

PROTECTOR OF CONSCIENCE, PROPONENT OF SERVICE: GENERAL LEWIS B.  
HERSHEY AND ALTERNATIVE SERVICE DURING WORLD WAR II

by

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B.A., Fort Hays State University, 2002

M.A., Fort Hays State University, 2004

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

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## ABSTRACT

The primary figure in the creation and administration of alternative service for conscientious objectors (COs) during World War II was General Lewis B. Hershey, Director of the Selective Service. With an executive order by President Franklin D. Roosevelt placing the responsibility for alternative service on the shoulders of Hershey, any program within Civilian Public Service (the alternative service program for COs) desired by the Historic Peace Churches (Brethren, Mennonite, Society of Friends) needed Hershey's approval before it could commence. As a product of the National Guard, Hershey possessed a strong belief in the duty of the citizen to the state in a time of national emergency. However, Hershey also had Mennonite ancestry and a strong belief in minority rights. Though not personally religious, all of his beliefs towards religion, duty, minority rights, and service contributed to a much more liberal policy for COs during World War II, compared to the insensitive treatment of them during the First World War. In short, "Protector of Conscience, Proponent of Service" argues that Lewis Hershey held the primary authority for constructing policy concerning conscientious objection during World War II, and his personal beliefs and actions in shaping alternative service during that time established precedent for the remaining years of conscription in the United States. From the initial peacetime draft in 1940 to the end of conscription in 1973, alternative service remained as the central form of a CO's duty to the state in lieu of serving in the military. Hershey's beliefs and actions during World War II resulted in

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Approved by:

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Beyond the scholarly realm of gratitude, my friends and family have been wonderful. There is no way I could have asked for more from my parents, Bruce and Geneva, and my siblings, Lindsay, Beth, Jeff, his wife Elizabeth, and Scott. Thank you so much for your support and encouragement over the years. Some of my best friends, such as William "Mac" McEvoy, Fideleon Damian, David Vail, Todd Thummel, and Michael Davis, were of great help with all things pertaining to graduate school, such as book loaning, a source to vent, and the all-important semester parties at Mac's or Fidel's. Most of all, I thank them for their friendship. Thanks to Dr. Kristi Lowenthal, Sandra Reddish, and Van Hutchinson for helping me with my preliminary exams. To all the other graduate students in the Department of History at KSU, I view a Ph.D. program as an individual effort with vast amounts of help from others based on mutual support and trust, and I thank all of you for that.

Though I thank all of my family members equally, there is one man who deserves special recognition – my maternal grandfather, Merrill Sanger. He was my inspiration for studying conscientious objection as he served in Civilian Public Service during World

War II and lived the life of a truly pious individual. Though I have chosen to focus on General Hershey in this particular work, I never would have even thought about the subject matter were it not for my grandfather. Every time I saw him over the last few years, he reaffirmed his belief in my abilities and the subject matter I had chosen. Sadly, after numerous health problems over the last decade, he passed away only weeks before my defense. While he may no longer be with us on this Earth, his spirit will live on through his eternal reward, and in his adoring family. He was an amazing man, and I dedicate this work to him.

I have saved the most important person, and definitely the best, for last. My wife Catherina has been amazing throughout this entire process. Getting married to Cathia was the best thing I have ever done. Her trust and belief in me over the past few years have been worth more than I can ever repay. To say that she is the best thing to happen to me is a gross understatement. She has read chapters, made suggestions, tolerated a mess of documents and stacks of books, and the simple fact that she is a part of my life is an inspiration to me. She even feigned interest on a few occasions. I only hope that over the course of the future decades, I can be for her what she has been for me.

## DEDICATION

This dissertation is dedicated to my inspiration for studying conscientious objection,

my grandfather,

Merrill D. Sanger

November 18, 1920 – April 12, 2009 (Easter Sunday)

Brethren Service Committee CPS Camp #7: Magnolia, AR

Climatology Guinea Pig Unit: Indiana University, Bloomington, IN

Brethren Service Committee CPS Camp # 42: Wellston, MI

He is the bravest man I have ever known.

## CHAPTER 1 - INTRODUCTION

From 1941 to 1970, one name was synonymous with the draft in the United States: General Lewis Blaine Hershey. Serving as the Director of Selective Service during those years, Hershey was the chief administrator of the institution through which the United States conscripted its army for World War II, Korea, and Vietnam.<sup>1</sup> As time passed in his career and Hershey grew older, he became much more well-known, particularly to those who protested American involvement in Vietnam. During the years of the Vietnam War, Hershey was the focus of numerous protests and harassments that began to escalate in 1967. Concurrently, as Hershey aged he displayed an inflexible stance on draft classifications and a heavy political hand. His most infamous action was the so-called “Hershey directive,” which reclassified any deferred person interfering with the draft, a move intended for at the anti-draft protesters with whom he vehemently disagreed. Those against the war and the draft viewed Hershey as a member of the establishment responsible for American involvement in Vietnam and his public image

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<sup>1</sup>The United States also used the Selective Service in World War I, but served in France with the American Expeditionary Force, not in the Selective Service.

plummeted. With some members of Congress and the American public calling for Hershey's ousting, President Richard Nixon replaced him, hoping to quell some of the protests on college campuses.<sup>2</sup>

Though Hershey's villainization at the hands of the anti-war and anti-draft protestors during the Vietnam era provides most of the enduring memory of General Hershey, in reality, Hershey was a much more sympathetic, reasonable, and nuanced character than he was made out to be. The best example of this comes from his years as the Director of Selective Service during World War II and his efforts in dealing with conscientious objection and alternative service. Among his many duties as the chief administrator of the World War II draft, Lewis Hershey held the primary authority for constructing policy concerning conscientious objection during World War II, and his personal beliefs and actions in shaping alternative service during that time established precedent for the remaining years of conscription in the United States.

The precedent established by Hershey during World War II stood in stark contrast to the decentralized policies of the colonial era, the problematic alternatives during the Civil War, and the abhorrent treatment of conscientious objectors (COs) in the First World War. Moving toward a more systematized and sympathetic means of dealing with

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<sup>2</sup>George Q. Flynn, *The Draft: 1940-1973* (Lawrence: University Press of Kansas, 1993), 175-176, 182, 215-218; George Q. Flynn, *Lewis B. Hershey, Mr. Selective Service* (Chapel Hill: University of North Carolina Press, 1985), 307; and Melvin Small, *Antiwarriors: The Vietnam War and the Battle for America's Hearts and Minds* (Wilmington, DE: Scholarly Resources, 2002), 1, 109.

the problems of conscience during wartime, Hershey, along with input from the Historic Peace Churches (Mennonite, Brethren, Society of Friends) and the National Service Board for Religious Objectors (NSBRO, the CO affairs organization of the Peace Churches in Washington), developed and administered Civilian Public Service (CPS) as the means of providing an alternative form of service for those who religiously objected to serving in the military. As the primary authority over COs and alternative service during World War II, Hershey was the central figure in providing more institutional tolerance for conscientious objection in the mid-twentieth century. Though CPS did not last beyond World War II, the concept of alternative service did, and it remained in place throughout the remaining years of the draft with only one minor exception.<sup>3</sup>

Though he is not remembered as one of the great celestial military figures of the World War II era, such as Dwight Eisenhower, George Marshall, or Douglas MacArthur, Hershey still stands as significant man during that time. He was a military professional during an age in which the professional soldier began to be a more mainstream part of American society.<sup>4</sup> While he was thoroughly a military man shaped by his experience in the National Guard, World War I, and the interwar army, he also displayed many civilian

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<sup>3</sup>During the draft prior to the Korean War, COs received a complete deferment and no alternative service was required of them. However, that deferment did not last long and was an anomaly in a discussion of conscription and conscientious objection during the twentieth century. The issue of CO deferment prior to the Korean War is discussed in greater detail in Chapter 10.

<sup>4</sup>Samuel J. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap/Harvard University Press, 1985), 315-316.



talents leading to his successes during World War II. He possessed a keen understanding of the federal bureaucracy, a well-reasoned approach to the place of conscience and service in American society, and a particular talent for political negotiation. Because of his unique set of skills, Hershey was the ideal choice to administer conscription and alternative service during World War II as he was both a professional soldier and government bureaucrat sympathetic to the nuances of religious objection.

It bears mentioning that although Hershey wielded enormous power within the Selective Service, he was not a simple government bureaucrat protecting a personal fiefdom. He truly believed in what he was doing. His beliefs fell under a paradigm shaped by his belief in the duty of all eligible men to service, harkening to the citizen soldier tradition in American history. He believed that those who objected held an obligation to the state when called. Those thoughts came from his early experiences growing up in rural Indiana, his service in the National Guard, and his deployment during the First World War. Part of administering alternative service also meant protecting it from external forces that sought to eliminate, change, or further restrict alternative service under Hershey's watch. Those who disagreed or argued with Hershey over alternative service included veterans' groups, some members of Congress, strongly patriotic regions of the United States, portions of the American public, and even some members of the Historic Peace Churches.

Though unpopular in some quarters, Hershey's actions provided the most tolerant program for COs yet seen in the United States, and that was a fact not lost on many

members of the Historic Peace Churches. Though some within the churches disagreed with the fundamental concept of CPS, many of the Peace Church representatives expressed their gratitude to Hershey throughout the war, recognizing the uniqueness of his views within the military and the government. Indeed, as both a military professional and a government bureaucrat, Hershey provided a necessary alternative for religious objectors in World War II. In doing so he helped to reconcile the ongoing tension between service and conscience in American history.

This dissertation is not a biography of Hershey. Conscription historian and Hershey biographer George Q. Flynn has done that much more ably. This is the story of how Hershey provided for a small minority in the American populace while raising a massive army to deal with the largest war in American history. Put in a simpler way, this work examines how the American government, in this case through Hershey, deals with the “other” in American history. It reveals how the duty of service to the state during wartime, a central feature of the citizen soldier in the American military tradition, extended even to those who objected during World War II. Hershey fervently believed in the concept (real or imagined) of the citizen soldier, and through his administration of CPS, he extended the duty of service to religious, and eventually secular, conscientious objectors.<sup>5</sup> As a result, alternative service remained in place from World War II until the end of the draft in 1973, seeking to resolve a theoretical contradiction in the American

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<sup>5</sup>The extension of the privilege of conscientious objection to secular objectors came in 1965 with the Supreme Court case *United States v. Seeger*. See Chapter 10.

political tradition between a citizen's duty to the state and individual liberty of conscience.

To effectively place this work in its proper context, it is necessary to explore some of the historiographical themes. There are a number of different areas of scholarship that examine conscientious objection and conscription during World War II. They range from examining the experience of the Historic Peace Churches from a celebratory tone to discussing conscientious objection within the framework of the American Peace Movement. Others briefly describe conscientious objection as a part of the larger dynamic of conscription in the United States. Overall, the discussion of conscientious objection as a part of the American military tradition does not yet appear in the scholarship. Some works have it as an ancillary part of a larger discussion, but no works focus solely on alternative service and American military tradition. There are five volumes of note that deal with the Historic Peace Churches and CPS. Overwhelmingly, all of these works are sympathetic to the CO and do not constitute a foray into military history or a stance on military policy. Instead, they are chronicles of the Peace Churches' experience during World War II. The three official histories published by the Peace Churches are the American Friends Service Committee's (AFSC) *The Experience of the American Friends Service Committee in Civilian Public Service*, Leslie Eisan's *Pathways of Peace*, and Melvin Gingerich's *Service for Peace*. The AFSC's volume chronicles the actions undertaken by that group as a part of CPS, as does Eisan's work for the Church of the Brethren. Both offer little analysis and almost no mention of the work of General

Hershey within the CPS program.<sup>6</sup> Eisan offers a description of the relationship between the Peace Churches and the SSA, but offers no analysis, therefore making it incredibly difficult to discern his attitude beyond sympathy for the COs. Gingerich's *Service for Peace* is the official history for the Mennonites and is more analytical and offers an insightful interpretation on the role of General Hershey. Gingerich writes, "... the ultimate authority of the [Selective Service] and the entire CPS program was in control of National Director Hershey. If he had been arbitrary, hostile, and intolerant, conscientious objectors could have been subjected to unbearable conditions."<sup>7</sup>

Another Peace Church oriented scholar is Albert Keim, emeritus professor of history at Eastern Mennonite University. Keim's *The CPS Story: An Illustrated History of Civilian Public Service* is a short examination of CPS with an excellent collection of pictures that provides a solid grounding in the basics of alternative service during World War II. Keim contends that CPS was a "flawed" system, which he goes so far as to say, "The provision for work without pay carried a kind of Soviet 'Gulag' quality of involuntary servitude." However, he also cites the important precedent it played in establishing alternative service in the federal government. He also briefly mentions General Hershey's attitudes, discussing his affinity for the Mennonites and his desire to

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<sup>6</sup>Leslie Eisan, *Pathways of Peace: A History of the Civilian Public Service Program as Directed by the Brethren Service Committee* (Elgin, IL: Brethren Publishing House), 363-394.

<sup>7</sup>Melvin Gingerich, *Service for Peace: A History of Mennonite Civilian Public Service* (Akron, PA: Mennonite Central Committee), 368.

keep COs out of the public eye.<sup>8</sup> Keim also completed an unfinished project by Grant Stoltzfus titled *The Politics of Conscience: The Historic Peace Churches and America at War, 1917-1955*. There, Keim and Stoltzfus offer a thin volume with but one chapter on CPS during World War II in the book, yet their arguments are among the most even-handed in all of the scholarship. They evaluate Civilian Public Service as an illustration of “the possibilities as well as the ambiguities of alternative service in the modern total-war society. Once the government recognized the appropriateness of alternative service for conscientious objectors, the design of the program came reasonably close to satisfying all parties involved.” They state further, “The conscientious objector was a practical nuisance, but the Civilian Public Service program provided a means to solve the problem with minimum effort....”<sup>9</sup>

Perry Bush is another Peace Church scholar who focuses on the Mennonite tradition. Bush, a professor of history at Bluffton University, a Mennonite institute of higher education, briefly portrays Hershey in his *Two Kingdoms, Two Loyalties: Mennonite Pacifism in Modern America* as a man of the military establishment whose entire goal was “to obey orders and to win the war.” He offers a somewhat insightful discussion of Hershey, much of which is based on a 1990 dissertation on CPS by Mitchell

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<sup>8</sup>Albert Keim, *The CPS Story: An Illustrated History of Civilian Public Service* (Intercourse, PA: Good Books), 100, 24-25 (sidebar).

<sup>9</sup>Albert Keim and Grant Stoltzfus, *The Politics of Conscience: The Historic Peace Churches and America at War, 1917 - 1955* (Scottsdale, PA: Herald Press, 1988), 125-126.

Lee Robinson. He rightly points out that Hershey's ideology was built upon the concept of equity in sacrifice and service during a time of conscription. He also is correct in noting Hershey's desire for scant public attention towards the CO. However, he states that Hershey possessed "vague personal commitments to the fundamental principle of conscientious objection."<sup>10</sup> While Hershey admitted early in the war that he had not given much thought to conscientious objection in the draft, it was not something he was "vague" on. Hershey had a well-developed concept of service, minority rights, and religious freedom into which he firmly placed the idea of conscientious objection.

Mulford Sibley and Philip Jacob's *Conscription of Conscience* is the standard account of conscientious objection in World War II, but it offers a negative interpretation towards the role of the Selective Service and General Hershey. They paint the Selective Service as "sharply restrictive" in working with COs and argue that the Selective Service was "the chief agency of restraint upon the conscientious objector in CPS." Furthermore, as they wrote from a civilian's position sympathetic to COs, they view Hershey and his staff as people who "were military men ... committed both by the position and personal conviction to the prosecution of war as their supreme objective. Tolerance for the conscientious objector should never hamper the overriding task of Selective Service –

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<sup>10</sup>Perry Bush, *Two Kingdom's, Two Loyalties: Mennonite Pacifism in Modern America* (Baltimore, MD: The Johns Hopkins University Press, 1998), 72-75.

recruitment of manpower for the national defense.”<sup>11</sup> Sibley and Jacob’s overall tone is celebratory of the CO and they criticize the government for restricting them in their endeavors. Their interpretation is a bit overemphasized and overblown.

In peace history, two historians have devoted a fair amount of their research to examining conscientious objection during World War II as a part of the larger American Peace Movement in the twentieth century. The first is Charles Chatfield in *For Peace and Justice*. Chatfield covers the peace movement from 1914-1941 and points to the affiliation between the Peace Churches and the federal government in developing and administering CO provisions and alternative service as “unique in American history.” Though it may have been unique, there were problems in the relationship that grew out of the differences in perception between the two groups. The Selective Service viewed COs as draftees first, subjected to the rules and duties of the federal government, just as all other drafted men. NSBRO saw the COs as independent, with a moral right to object to war and military service. The result was a strained relationship throughout the war. Inasmuch as General Hershey is concerned, Chatfield offers no analysis on his role other than to mention that Hershey’s interpretation of religious-based conscientious objection was narrower than his predecessor, Clarence A. Dykstra.<sup>12</sup> The other peace historian is

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<sup>11</sup>Mulford Quickert Sibley and Philip Jacob, *Conscription of Conscience: The American State and the Conscientious Objector, 1940-1947* (Ithaca, NY: Cornell University Press), 201, 200, 308.

<sup>12</sup>Charles Chatfield, *For Peace and Justice: Pacifism in America, 1914-1941* (Knoxville: University of Tennessee Press, 1962), 308, 429-430.

Lawrence Wittner in *Rebels against War*. Overall, Wittner views the distaste for CPS by some in the Peace Churches and the COs themselves as a part of the larger American Peace Movement. His interpretation of General Hershey's role is limited much in the same way as Chatfield's, as Wittner does not see him as an agent of tolerance, but as a narrow-minded military man, bearing scrutiny at the hands of Congress for refusing to pay CO draftees as a way to deter pacifists from joining CPS.<sup>13</sup>

For the most part, the majority of American military history that examines conscientious objection and General Hershey comes from the history of conscription. The foremost expert on the draft and Hershey is George Flynn. Flynn's *The Draft: 1940-1973, Lewis B. Hershey: Mr. Selective Service*, and his article "Lewis Hershey and the Conscientious Objector: The World War II Experience" form the backbone of the scholarship in this area. In *The Draft*, Flynn devotes a fair amount of time discussing the plight of COs as they related to the larger subject of conscription. His main thesis on the draft as an American institution is that from 1940-1973, the draft was "a system based on principles of local control, of decentralization, and of nineteenth-century values, a system that responded to pressure from various interests by continually modifying the ideal of universality of service." Furthermore, regarding conscientious objection, Flynn argues that Roosevelt passed the buck on to the Selective Service and Hershey, who then went to the Peace Churches asking them to develop a plan for alternative service. He does point

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<sup>13</sup>Lawrence Wittner, *Rebels against War: The American Peace Movement, 1941-1960* (New York: Columbia University Press, 1969), 84, 74-75.



out that because of early problems with the plan such as public hostility, disobedience under the strict camp rules, and misunderstandings about the funding of the program, “The program was a time bomb waiting to happen.”<sup>14</sup>

Flynn’s most important contribution to the scholarship of conscientious objection lies in his work on General Hershey. His *Lewis B. Hershey, Mr. Selective Service* is the only academic biography of Hershey in existence. In his determination, Hershey was a successful Director of the Selective Service because he had a strong personality coupled with a clear sense of integrity, and he possessed a romantic view of rural America (defense was the job of the citizen-soldier, patriotism was a virtue, and egalitarianism prevailed). He was the ultimate federal bureaucrat as he was most definitely part of the military establishment, but viewed himself as a civilian, allowing him to appeal to both civilians and the military brass. For conscientious objection, Flynn argues that Hershey was quite liberal and tolerant in his treatment of COs. He ordered hostile draft boards to recognize individual beliefs of COs and, because of his personal beliefs, he deemed that any man who considered war and killing to be wrong (as long as he based it on religion) should not be forced to submit to military service.<sup>15</sup> Flynn also makes many similar

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<sup>14</sup>Flynn, *The Draft*, 47

<sup>15</sup>Flynn, *Lewis B. Hershey*, 126-132

arguments in his article “Lewis Hershey and the Conscientious Objector, the World War II Experience.”<sup>16</sup>

Other conscription historians offer significant insights. One such scholar is John Whiteclay Chambers II. His *To Raise an Army: The Draft Comes to Modern America* is a history of manpower but more specifically, the creation of the draft in World War I. Though he expressly focuses on the First World War, he provides some analysis into the draft during the Second World War. His interpretation is similar to those who argue that CPS was the result of the government wishing to avoid embarrassment. He writes, “...the experience of 1917-1918 was painful enough to lead Franklin D. Roosevelt to respond to the suggestions of religious organizations and many liberals to offer certified conscientious objectors alternative service from the beginning.” Chambers also offers an insightful musing on General Hershey by positing that he received his appointment as the Director of Selective Service because of “his ability to manage people and work with civilians,” an important trait to possess when working with conscientious objectors and leaders of the peace churches.<sup>17</sup>

A final scholarly coupling examines the draft during World War II is J. Garry Clifford and Samuel Spencer, Jr. in *The First Peacetime Draft*. According to Clifford and Spencer, the most important facet of the passage of the Selective Service Act of 1940

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<sup>16</sup>George Q. Flynn, "Lewis Hershey and the Conscientious Objector: The World War II Experience," *Military Affairs* 47, no. 1 (February, 1983): passim.

<sup>17</sup>John Whiteclay Chambers II, *To Raise an Army: The Draft Comes to Modern America* (New York: The Free Press, 1987), 219, 250.

is that it illustrates how elites can influence the American political landscape. They discuss how a small group of elites, led by Grenville Clark, called for and helped push legislation through Congress for a peacetime draft.<sup>18</sup> Clifford and Spencer do not examine the workings of conscription during World War II – they are more concerned with the creation of the Burke-Wadsworth Bill and the elite influence that was a central feature of it. General Hershey plays a minor role in this work and conscientious objection receives scant mention.

This dissertation is a multi-faceted approach that will fill some important but currently unoccupied niches within the scholarship. In the realm of peace studies, this work further illuminates how a portion American Peace Movement helped influence conscription policy in the federal government and how General Hershey and the Selective Service played a vital role in administering and controlling the movement's tangible effects. It also offers a fresh perspective for the scholarship of the Historic Peace Churches. Much of the identity of the churches is tied directly to the promotion of peace and their belief in conscientious objection to military service. However, conscientious objection is a privilege, not a guaranteed right from the American state. Therefore, the most important dynamic in the churches' relationship with the state in terms of conscientious objection is not their peace witness, but how much the federal government will allow in terms of objection and service. This establishes General Hershey and the

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<sup>18</sup>J. Garry Clifford and Samuel R. Spencer, Jr., *The First Peacetime Draft* (Lawrence: The University Press of Kansas, 1986), 5.

World War II CO experience as the pivot point for that church/state relationship in regard to conscientious objection, in essence presenting an argument that runs counter to the traditional Peace Church interpretation.

It also bears mentioning that that source material used here provides further insights into General Hershey's psyche and actions. Some of the evidence used here has not been published on a large scale using Hershey as the focal point. For example, much of this dissertation relies on the diary of Paul Comly French, a Quaker who served as NSBRO's executive secretary throughout the war. He personally met with Hershey and Lewis Kosch, Hershey's Director of Camp Operations, more than any other Peace Church representative to discuss matters concerning conscientious objection or seeking approval for CPS programs. The premier Hershey scholar, George Flynn, uses material from the Lewis B. Hershey Collection at the Army Heritage and Education Center and the Records of the Selective Service from the National Archives, but he does not utilize French's diary, or any other materials from the Swarthmore College Peace Collection. Melding these collections together is of great importance as it provides a more developed insight into Hershey beyond his public statements, official correspondence, or interviews. The use of French's diary, along with other materials in the Swarthmore Collection reveals Hershey's immense power in personal negotiation with the Peace Churches and other institutions, along with further refining discussions of his well-developed concept of service.

Although this dissertation offers fresh interpretations in the aforementioned areas, it is in the realm of American military history that this offers the most profound revision of the current scholarship. The issue of conscription and the concept of the citizen soldier in American history is not a new area in the field. However, viewing the subject of conscientious objection through the lens of General Hershey is most definitely new and unexplored at this level of discussion. No scholarship in American military historiography defines conscientious objection as fundamentally a military topic. This dissertation argues that conscientious objection is a military subject as it further defines the concept of the citizen's service in wartime, reflecting the aforementioned views of Hershey.

Tied directly to this dynamic is the concept of the citizen soldier in American history, which holds that the interests of the nation coincide with the interests of the citizen, thereby making the American citizen the best defender of the American nation. This is a tradition that reaches back to the colonial militia and became further refined in the decentralized Jeffersonian government during the early nineteenth century. Hershey strongly believed in a decentralized method of conscription, with local draft boards drawn from communities to classify men eligible for service. In doing so, he continued the Jeffersonian tradition of conscription brought forth in World War I and staunchly defended that model throughout his career, which ended in 1973. Not only does this study seek to define, interpret, and place Hershey's beliefs and actions in a new context, it will also place conscientious objection alongside a discussion of the citizen soldier and

the American military tradition, a dynamic heretofore unexamined in the scholarship. Hershey's role in conscientious objection and alternative service during World War II further defined this crucial element of the American character.

Conscientious objection, when examined through the eyes of Hershey and the Selective Service, is a subject that belongs in a historiographical discussion of the rich scholarship of the American military tradition. Understandably, that contention opens one to criticism from certain quarters, but a more careful examination of military history over the past few decades provides one with the proper foundation to make such an assertion. Since the late-1960s, a new focus in military history began to emerge, called the "New Military History." The New Military History moved away from the older focus on battles and operations and explored the history of the military as it related to significantly broader themes, particularly race, gender, and class. As military historian Peter Paret described the school in his 1991 address to the Society for Military History, the New Military History is "an expansion of the subject of military history from the specifics of military organization and action to their widest implications, and also a broadening of the approaches to the subject, [and] of methodologies employed."<sup>19</sup> In short, the New Military History is not just rifles, bullets, and bombs. It examines dynamics that do not necessarily concern themselves with military strategy, operations, and tactics. This study adds another classification to the marginalized groups of the New

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<sup>19</sup>John Whiteclay Chambers II, "The New Military History: Myth and Reality," *The Journal of Military History* 55, no. 3 (July 1991): 397.

Military History by examining the ways in which the government and military institutions deal with those who conscientiously object to military service while raising an army in wartime. In this particular instance, that dynamic centers on a high-ranking United States Army officer with Mennonite heritage. He was a protector of conscience and a proponent of service, and his name was Lewis Blaine Hershey.

## CHAPTER 2 – AN EMPHASIS ON SERVICE: CIVILIAN PUBLIC SERVICE AND THE CITIZEN SOLDIER TRADITION

Effectively discussing the importance of Lewis Hershey to conscientious objection during World War II requires a brief examination of both Civilian Public Service and the concept of the citizen soldier. As will be revealed in the following chapters, Hershey was not only a firm believer in the right for the CO to object, he also strongly believed in citizen soldier tradition. Thus, his concept of alternative service melded the objector's desire to avoid military service with the duty of all eligible males to serve the nation during a national emergency or when the interests of the nation were at stake. CPS was the result of that amalgamation. It combined the desire of the CO to avoid direct military participation with the service duty envisioned by Lewis Hershey.

Commencing in 1941, CPS marked a significant improvement over the unsatisfactory provisions from World War I, as the United States' draft for that conflict was a complete failure for conscientious objection. The language in the Selective Service Act of 1917 was much too narrow, allowing only for objection from members of a peace sect, and there were no provisions for alternative service. The result was extremely poor



treatment of COs in military camps and military prisons.<sup>1</sup> Throughout the interwar period, the Historic Peace Churches undertook a number of initiatives to make sure that their peace stance remained relevant and that if conscription came to the United States again, they would not be caught unprepared. The federal government also maintained a state of preparedness for conscription with the Joint Army Navy Selective Service Committee (JANSSC, the interwar conscription planning organization), though that agency planned for military manpower contingencies, not conscientious objection.<sup>2</sup> In 1940, with war in Europe raging once again, the federal government sought to prepare for the possibility of war with the passage of the Selective Service Act in September. From that piece of legislation came an important section that laid the groundwork for Hershey, the Selective Service, and the Historic Peace Churches to build a program of alternative service, hoping to avoid the mistakes of World War I. In its final iteration, section 5(g) of the Selective Service Act of 1940 read,

Nothing contained in this act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to war in any form. Any such person claiming such exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the land or naval forces under this act, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such

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<sup>1</sup>The draft provisions for conscientious objection in World War I are discussed in detail in Chapter 4. Please refer to that chapter for specific citations.

<sup>2</sup>For a more in-depth discussion of the interwar efforts of the Historic Peace Churches and JANSSC, see Chapter 5.

noncombatant service, in lieu of such induction, be assigned to work of national importance under civilian direction.<sup>3</sup>

That particular section in the conscription bill for 1940 made it a binding law that an alternative form of service must be provided for COs who objected to military service. The law did not provide for absolutist objectors who refused any form of service to the state. Although there was now a law providing for conscientious objection, there was no administrative chief for it, nor was there a program for the so-called “work of national importance.” It was at this point that Lewis Hershey became centrally important due to an executive order issued by President Franklin Roosevelt on February 6, 1941. With his order, Roosevelt placed all matters for determining exactly what constituted work of national importance in the hands of the Director of Selective Service, delegating his authority to the director and giving the director ultimate control as to what projects fulfilled the requirements of national importance.<sup>4</sup> The power granted to the Director of Selective Service provided a wide degree of latitude for a man like Hershey to shape the form and direction of alternative service during the war. As the years progressed into the Cold War, it became clear that the power granted to Hershey also had ramifications for the remaining years of conscription in the United States.

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<sup>3</sup>*Selective Service Act, Statutes at Large* 54 Part 1, 889 (1940).

<sup>4</sup>U.S. President, Executive Order 8675. (Document printed in *Conscientious Objection: Special Monograph No. 11*, 2 vols. (Washington, D.C.: U.S. Government Printing Office, 1950), 7.) See Chapter V on the creation of Civilian Public Service for a broader discussion of Roosevelt’s executive order conferring the authority over work of national importance to the Director of Selective Service.

As the central authority over alternative service in the United States, Hershey relied on the Historic Peace Churches to help him develop CPS. Hershey made it clear to the Peace Churches that not many people in the Federal Government had devoted much time to considering a program of alternative service and he required their input to move in a direction agreeable to them. He also asked that they consolidate their efforts to further streamline the process. Out of that recommendation (and an increasing spirit of ecumenism among the Peace Churches during the interwar years) came NSBRO, which worked closely with Hershey and his Director of Camp Operations (the division in Selective Service for CPS administration), Colonel Lewis Kosch.

Though Hershey was the primary and most significant figure concerning conscientious objection during World War II, he did delegate some authority because of his workload. Hershey was a bureaucrat and an administrator who did not have the time to devote all of his energies to the daily administration and operation of alternative service. He left that to Kosch and the Camp Operations Division. The programs under CPS were what constituted work of national importance and all of the CPS projects required Hershey's approval before being allowed to commence. It must be mentioned, though, not all of the wartime CPS programs are discussed in the following chapters. Only the programs requiring Hershey's active involvement for establishment, beyond his approval, are discussed. It is imperative to understand that even if Hershey did not work on a daily basis to secure a specific program in CPS, he still approved or rejected all of the programs presented by NSBRO to the Selective Service.

Because this dissertation is not concerned with all of the specific programs undertaken by CPS during World War II, it is necessary at this point to briefly discuss CPS and the projects it entailed during the war to maintain a better grasp on the entire wartime dynamic between Hershey, the Peace Churches, the Federal Government, and the individual CO. When a man appeared before his local draft board and he was a conscientious objector, there were two classifications he could receive. The first was the I-A-O classification, meaning he was available for military service, but only as a noncombatant. The second classification was the IV-E classification, meaning the man was not available for military service, but was to be assigned to work of national importance instead. During World War II, all of the CPS assignees were of the IV-E classification.<sup>5</sup>

The earliest manifestations of the work of national importance had a distinct New Deal flavor to them, as the Selective Service created CPS work camps in old Civilian Conservation Corps camps. Of these camps, there were two divisions of work – soil conservation and forestry work. A large number of men worked in soil conservation at some point during their CPS tenure. CPS historians estimate that one in six days worked in CPS was in soil conservation efforts. Some of the men in the soil conservation camps also worked with the Farm Security Administration and the Bureau of Reclamation. Those laboring in soil conservation projects built dams, fences, dug ditches, planted

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<sup>5</sup>Sibley and Jacob, 56-57.

ground cover, and built irrigation systems. Much of this work was wearisome, dreary, and monotonous; facts not lost on the assignees to the soil conservation camps. Many of the CPS assignees complained that those efforts were nothing more than make-work programs that isolated them and provided them little opportunity to do more than dig a ditch or plant a shrub.<sup>6</sup>

The work in forestry efforts (which also included a few camps in the National Park System) sometimes held the same level of monotony. The forestry camps usually held a few hundred men in each camp and their efforts constituted general maintaining of America's forests. The men built firebreaks, roads, and trails. They cleared flammable growth and rotten logs. They also served as fire watchmen, surveying the forest from towers spaced across the land. In addition to this, they also improved the communication infrastructure by building and repairing telephone lines throughout the forests. There was one major exception to the monotony of the forestry efforts, though. The most exciting experience in all of CPS was smokejumping, or fighting fires in remote locations using parachutists. Beginning in 1943, CPS men received specialized training in firefighting and parachuting to jump from airplanes flying over remote or rough locales to extinguish forest fires. Not only was this adventuresome, it was dangerous as well. Yet it was quite popular amongst the assignees as hundreds of men volunteered to be smokejumpers.

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<sup>6</sup>Eisan, 88-92; Gingerich, 108-124; Keim, *The CPS Story*, 41-43, 49-55; and Sibley and Jacob, 130-132.

Overall, a quarter of all CPS work days were in the prevention and fighting of forest fires.<sup>7</sup>

Soil conservation and forestry camps employed the largest number of men during the years of CPS, but there were many other projects implemented in addition to those two endeavors. One such program was in the realm of agricultural production. As there were labor and production shortages on farms during the war, agriculture provided an opportunity for CPS assignees to do what they felt to be more meaningful work. After serving for a set amount of time in the work camps, men could volunteer for other detached services and one of these was in agriculture. By 1943, there were CPS assignees working in different agricultural projects, whether it was for independent farmers and dairymen, or laboring as dairy testers or in agricultural experiment projects. Furthermore, some men could gain furlough from their work camp if there was a dire need for farm labor in a county and the camp was fifteen miles or less from the area in question. However, this program was controversial amongst the Peace Churches because the local county agricultural agent could seemingly declare an emergency to commandeer labor from the nearby CPS camp.<sup>8</sup>

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<sup>7</sup>Robert C. Cottrell, *Smokejumpers of the Civilian Public Service in World War II: Conscientious Objectors as Firefighters for the National Forest Service* (Jefferson, NC: McFarland, 2006), passim; Eisan, 74-88; Gingerich, 125-147; Keim, *The CPS Story*, 43-48; and Sibley and Jacob, 126-130.

<sup>8</sup>Eisan, 92-97; Gingerich, 177-212; Keim, *The CPS Story*, 55-57; Sibley and Jacob, 132-134.

Another voluntary project in CPS was the Guinea Pig Units, so-called because the men volunteered to be human scientific test subjects. Administered by the Office of Scientific Research or the Surgeon General's Office, the Guinea Pig Units helped study such varied subjects as nutrition, disease and illness, dehydration, lice infestation, and hypothermia. There were many projects, with some of them using methods that are at least questionable by today's standards. The unit at the University of Indiana in Bloomington studied the physiological effects of clothing, wrapping men in wet sheets with cold room temperatures to see how long they could sleep. The unit at the University of Minnesota Laboratory of Physiological Hygiene studied starvation and nutrition under famed nutritionist Dr. Ancel Keys, who developed the K ration. In this experiment, the men at one point looked as though they emerged from a Nazi concentration camp. Other units infected men with typhus, malaria, or hepatitis to study the causes, effects, and best treatments of the diseases.<sup>9</sup> Though much value came from the findings in the experiments, the methods were barbaric when viewed through the lens of the present. Dr. C. Everett Koop, an eventual Surgeon General of the United States, participated in administering one test and commented in recent years that many of the men did not know

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<sup>9</sup>Eisan, 290-312; Gingerich, 270-273; Keim, *The CPS Story*, 75-79; Nicholas A. Krehbiel, "'We Felt Like We Were Serving Humanity:' McPherson County, Kansas Conscientious Objectors During World War II," *Heritage of the Great Plains* 36, no. 2 (Fall/Winter 2003): 58-59; Sibley and Jacob, 143-149; and Todd Tucker, *The Great Starvation Experiment: The Heroic Men Who Starved So That Others May Live* (New York: Free Press, 2006), passim.

the risk they exposed themselves to. As he stated in an interview for the documentary

*The Good War and Those Who Refused to Fight It*,

It couldn't happen today. Internal Review Boards would not permit the use of a live virus in human subjects unless they really understood what was going to happen to them. And I doubt that even if they knew what the risk was, that an Internal Review Board in any academic institution would consent to that kind of experimental work.<sup>10</sup>

Koop also explained that his actions in helping with the testing in the Guinea Pig Units were not something he was proud of.<sup>11</sup>

CPS assignees also worked in mental hospitals as a part of their alternative service requirement. With the draft and the lure of better paying jobs in defense industries across the United States, mental hospitals began to feel the pinch of a smaller labor pool. This provided an opportunity for COs to perform their service obligation in work they found to be much more meaningful. Beginning in 1942, CPS assignees began to work in mental hospitals around the nation. It was a popular volunteer program. By the time CPS ended, there had been forty-one hospitals across twenty states that used COs as hospital staffers and in excess of two thousand men worked in the hospitals and one point during their service commitment. The duties performed by the men in these hospitals included basic patient care, grounds maintenance, and custodial and food service jobs. It was in the arena of patient care that the men of CPS produced one of their

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<sup>10</sup>*The Good War and Those Who Refused to Fight It*, Paradigm Productions, Independent Television Services Script, Bullfrog Films, 2000, 10

<sup>11</sup>*Ibid.*



most enduring legacies in terms of their service. The CPS men in the mental hospitals took great care to improve the hygiene and through their use of nonviolent techniques in ward administration, helped to change the manner in which hospitals cared for America's mentally ill. Though not every single assignee avoided the use of violence in the hospitals, a large portion of them did, resulting in lasting changes. As Alex Sareyan, a World War II CO and postwar mental health advocate, wrote in 1994, "The Civilian Public Service mental hospital experience triggered the most significant crusade on behalf of the mentally ill that has occurred in this century."<sup>12</sup> The impact of COs on mental health treatment is debatable, though. Brethren CPS historian Leslie Eisan argues that the actions of the CPS assignees in mental hospitals were not revolutionary as mental health advocates had argued for similar treatment for some time. He contends that "[p]erhaps the greatest contribution is yet to come..."<sup>13</sup> It should be noted, though, that Eisan published his arguments in 1948, well before the arguments of Sareyan in 1994. It is entirely possible that Sareyan would agree with the statements of Eisan.

The work done by CPS in soil conservation, forestry, Guinea Pig Units, farm labor, and mental hospitals constituted the major portion of alternative service programs for the conscientious objector in World War II. However, there were some projects

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<sup>12</sup>Eisan, 207-215; Gingerich, 213-251; Keim, *The CPS Story*, 59-72; Alex Sareyan, *The Turning Point: How Men of Conscience Brought About Major Change in the Care of America's Mentally Ill* (Washington, D.C.: American Psychiatric Press, 1994), xii; and Sibley and Jacob, 134-140.

<sup>13</sup>Eisan, 215.

instituted on a smaller scale in other areas throughout the United States. One such example was the construction and installation of privies in Florida to combat hookworm, a project lauded by a Selective Service official inspecting their efforts. CPS also established a unit in Puerto Rico, seeking to improve the public health and continue the mission of the New Deal's Puerto Rican Reconstruction Administration that suffered from a lack of funding once the war began.<sup>14</sup>

Civilian Public Service lasted from 1941 until 1947. During World War II, there were 34.5 million men drafted and fifty-two thousand of those claimed they were conscientious objectors. Out of that fifty-two thousand, a total of about twelve thousand men objected to military service and served in CPS.<sup>15</sup> It was a small number when examining the larger picture of the American experience in World War II, but even with its lack of numbers it possessed long-standing ramifications. CPS did not survive the era of World War II, but the idea it represented remained in place throughout the years of conscription in the United States. With the exception of a brief deferment period before the Korean War, the federal government required COs to perform some form of alternative service in lieu of their military duty until the end of the draft in 1973. The precedent of alternative service, manifested in CPS and built and maintained by Lewis

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<sup>14</sup>Eisan, 273-295; Gingerich, 252-270; Keim, *The CPS Story*, 73-75; and Sibley and Jacob, 140-143.

<sup>15</sup>*Conscientious Objection*, 313-315, 318.

Hershey, remained in place throughout the remaining years of conscription in the United States.

As stated earlier, an examination of the citizen soldier tradition is required as well. In American military history, the concept of the citizen soldier is one of the most enduring ideas throughout the nineteenth and twentieth centuries. It holds that the nation's and the citizen's interests are similar and therefore, citizens make the best defenders of the nation. In the ideology of the concept, it also prevents the military from gaining too much professional power, as its soldiers are simultaneously citizens. However, for this concept to work, it requires large-scale participation in times of national crisis, such as World War II. During World War II, that large-scale national participation came in the form of conscription. The rights of conscientious objectors created a question on the issue of conscription and religious freedom, namely what balance must be struck between a citizen's duty to the state during wartime and his rights as a religious minority. Conscientious objection has been a troublesome issue throughout American history, particularly during wars in which the American state used conscription as a means of raising troops. Of all the wars in U.S. history, World War II was the pivotal conflict in terms of COs and conscription because it established the precedent of alternative service and the privilege of religious-based objection, regardless of Historic Peace Church membership. Although World War I had provisions for COs and, eventually, alternative service, the results were far from positive for all involved and there was not enough time to implement an effective alternative service program.

Therefore, World War II represented the watershed in the relationship between the CO and the state.

The citizen soldier concept is a fundamental part of the American military tradition. As stated by Allan Millett and Peter Maslowski in *For the Common Defense* when discussing their six major themes of American military history,

...American defense policy has traditionally been built upon pluralistic military institutions, most noticeably a mixed force of professionals and citizen soldiers. These pluralistic institutions reflect the diverse attitudes of professional soldiers, citizen-soldiers, and antimilitary and pacifistic citizens about the role of state-sponsored force in the nation's life.<sup>16</sup>

That definition describes that nature of conscientious objection and alternative service during World War II almost perfectly. It was a pluralistic operation between the professionals such as Hershey in the Selective Service and the Historic Peace Churches and their constituency, who represented the “pacifistic citizens,” creating the cooperative administrative and operational roles that defined conscientious objection. While Millett and Maslowski are speaking of the ways in which the pluralistic military institution fought throughout American history, the concept applies to another facet of American military history – conscientious objection – due to the professionals in the Selective Service administering alternative service.

The concept of the citizen soldier represents a core American value of the egalitarian distribution of a duty of service during times of crisis, placing this dissertation

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<sup>16</sup>Allan R. Millett and Peter Maslowski, *For the Common Defense: A Military History of the United States* (New York: The Free Press, 1994), xii.

further into a discussion of the nature of American social, political, and military dynamics. From its inception, the United States expressed a fear of a standing professional army. Drawing on historical examples such as Oliver Cromwell and his New Model Army or the redcoats of English King George III in the republic's earliest years, Americans traditionally view professional armies as separate from the state, therefore representing a threat to its very existence. A professional army can easily become a tyrannical force that infringes upon liberty. Therefore, the best defenders of the nation are those who have the most interest in its fortunes – its own citizens. In the American tradition, the citizen soldier blurs the line between military and civilian society, making it clear that the military is not separate from society. The interests of the two are intertwined as society seeks to protect itself with its own military.<sup>17</sup>

Some of the best work done on the concept of the citizen-soldier comes from military theorist Eliot Cohen. Cohen posits that there are a number of different arguments in what exactly the citizen soldier is. If the citizen soldier exists as a way to prevent tyrannical control of the government by a professional force, then he is more than “a soldier who can vote,” but instead it is more of a “civilian-soldier.” By that idea he means that,

...it is necessary that the bulk of the armed forces consist of men whose main pursuits are pacific, who are fresh from their civilian lives and look forward to their swift return to those lives, whose main identity is as citizens and not as

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<sup>17</sup>Eliot Cohen, *Citizens and Soldiers: The Dilemmas of Military Service* (Ithaca, NY: Cornell University Press, 1985), 121-125.

soldiers, whose loyalty lies with home and community, and not with the military as a corporate body.<sup>18</sup>

Cohen also argues that in liberal-democratic states (like the United States), the concept of the citizen soldier is a bit more understated and calls for citizens to control the military, not just serve in it. As he states, “According to this view the most proper as well as the most effective defense of a country rests with those who have the largest stake in it; there is something mean or degenerate in a community that relies on hired members of the lower classes to fight its great battles.”<sup>19</sup>

Based on that line of reasoning, the American military tradition is rooted in a duty of service by its citizens. Granted, during the years of conscription millions of young male citizens did not have a choice whether they served, but they were citizens nonetheless and they voted and elected the men who passed conscription laws. After their military service ended, most of them returned to their civilian lives. As conscientious objection and alternative service came to be defined by Lewis Hershey during World War II, a similar dynamic emerged. Because every able-bodied American male, in theory, was required to serve his nation in time of war, this meant that conscientious objectors must serve as well. From that dynamic came alternative service. Hershey fervently believed in service and the citizen soldier. Though Cohen does not agree with him, Hershey argued near the end of World War II that the militia system in

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<sup>18</sup>*Ibid.*, 123-124.

<sup>19</sup>*Ibid.*, 124-125.

the United States was the “ancestor” of the Selective Service and the two resembled each other closely.<sup>20</sup> Hershey also admired the work of General John McAuley Palmer who, during the twentieth century, was the foremost proponent the citizen soldier as the backbone of the military.<sup>21</sup> Hershey’s attitudes towards service, the citizen soldier, and conscientious objection, along with his other beliefs and background are discussed in detail in Chapter III.

The preceding pages represent an introduction to two significant components of this dissertation: Civilian Public Service and the concept of the citizen soldier. Hershey’s belief in the duty of all eligible males to serve the United States held profound ramifications for conscientious objectors as they found themselves in remote work camps, mental institutions (as laborers), on farms, and serving as scientific test subjects during World War II. It bears mentioning that even if one disagrees with the concept of the citizen soldier as flawed logic, it was something that Hershey strongly believed in and he used it as a line of reasoning in his shaping of alternative service. As will be revealed during the discussions covering Hershey’s views on the nature of CPS, he wanted to make the sacrifices of the men similar to those who served in the armed forces, minus, of course, the armed conflicts. That desire was the result of his belief in the citizen soldier

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<sup>20</sup>Hershey quoted in *Ibid.*, 125. Hershey used the word “ancestor” when comparing the militia and the Selective Service.

<sup>21</sup>Lewis B. Hershey to Brig. Gen. John McA. Palmer, May 27, 1941, General Hershey’s Staybacks, Planning Office Staybacks, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

tradition in American military history. Coupling that desire with the requirement that all eligible men during World War II perform national service of some sort, it becomes clearer that Hershey's actions during that time provided a form of alternative service that further defined the concept of the citizen soldier, extending some of its tenets to those who objected to serving in the armed forces.



### CHAPTER 3 – BACKGROUND AND BELIEFS OF HERSHEY

Some of Lewis Hershey's beliefs and attitudes towards conscientious objection and national service developed well before his appointment as Director of the Selective Service. Comparing his early life experiences to his later musings on the nature of the conscientious objector and alternative service reveal that his background and life experiences were critical to his approach to alternative service and conscientious objection. Through his Mennonite ancestry and familiarity with Christianity, Hershey had an understanding of Christian ethics that spilled over into the realm of conscientious objection. His service in the Indiana National Guard shaped his attitudes towards the merits of conscription. His personal experience as the embodiment of the citizen-soldier early in his military career helped develop his sense of duty to the state. His formative years growing up on a farm in northeastern Indiana instilled him with a sense of rural America that helped lead to an emphasis on decentralization in the draft. Overall, an examination of the life of Lewis Hershey prior to his ascendancy to the Director of

Selective Service provides insight into the developing attitudes of Lewis Hershey towards conscientious objection and national service. Hershey believed firmly in national service of all eligible males and decentralization of the draft. He also believed that sincere religious objectors should perform some form of alternative service. As a result of his early years, he displayed a nuanced and sympathetic understanding of conscientious objection and they shaped his development of alternative service during World War II.

To gain proper perspective into Hershey's thoughts, it is necessary to first examine his beliefs, ideology, and stance towards conscientious objection that can be traced back to his early years in Indiana and his service as a military officer. One portion of his background that affected his stance was his heritage. Hershey could trace his family history to Mennonite ancestry in Switzerland, which provided him with a sense of understanding for the position of the Historic Peace Churches. Though not an active Christian, he was not ignorant in the ways of the Mennonites. Second, and most significantly, Hershey fervently believed in the duty of all eligible men to serve their country in a time of crisis. This belief manifested itself at a very early age in Hershey and it shaped most of his worldview in terms of alternative service and conscientious objection.

Though not the primary motivation for Hershey's protection of conscientious objection, Hershey's religious background provided him with a basic knowledge of the Historic Peace Churches (or at least the Mennonites) and it provided him with some common ground between himself and the Peace Church membership. He was not a practicing Christian, but he did possess religious training. Part of his formal education was six years of Latin and a heavy reading of the Bible, so he possessed a familiarity with

Christian ethics. While he understood the Christian faith, he did not care for the specific structure and theology of Christian churches. He had a particular disdain for those who overtly professed their Christianity. Instead, he possessed what Flynn terms a “personal creed which reflected equal parts Greek stoicism, humanitarianism, American individualism, and deism.”<sup>1</sup>

There is one portion of Hershey’s religious background that is quite intriguing. Hershey’s ancestors were Mennonites. He was a descendent of the Hersche family of Appenzell, Switzerland, an area of significance for the beginnings of Anabaptism.<sup>2</sup> His family came to Lancaster, Pennsylvania (another strong center of Mennonite heritage) in 1708. However, Lewis’s grandfather was not actively religious by the time he moved to Indiana in 1849, a trait passed on to Lewis.<sup>3</sup> Lewis seemed to be quite proud of his Mennonite heritage. His place of birth, Steuben County, Indiana, had a large Amish population, and on occasion he referred to himself as the “Mennonite General.”<sup>4</sup> He had the heritage and early background analogous to a typical conscientious objector, but as an individual, he was not an active participant in religious activities.

His religious beliefs were a noteworthy subject for the manner in which CO policy unfolded during World War II. As will be discussed in the next chapter, the provisions for conscientious objection changed from World War I to World War II. In the First World War, COs had to be a member of an established peace church, but in the

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<sup>1</sup>Flynn, "Lewis Hershey and the Conscientious Objector," 1.

<sup>2</sup>Anabaptism traces its origins to Switzerland.

<sup>3</sup>Flynn, "Lewis Hershey and the Conscientious Objector," 4.

<sup>4</sup>Keim, *The CPS Story*, 24; and Tucker, 45.

Second World War, a CO's objection needed to be based only on "religious training and belief." Therefore, a person did not have to be a member of one of the Historic Peace Churches to be classified as a CO. Of this dynamic, Hershey was quite supportive, but he maintained the position that a CO's reasoning needed to be grounded in religion and the belief had to be personal.<sup>5</sup>

The other portion of Hershey's ideology shaped by his early years was his concept of service. From 1916-1918, Hershey served as a National Guard recruiter, on the Mexican border, and in World War I, all of which definitely shaped his worldview concerning service and the citizen soldier. Hershey strongly believed in the duty of every eligible male to serve his country when asked. A large part of his viewpoints concerning national service come from his time as a National Guard recruiter based out of New Albany, Indiana. Hershey's successes as a recruiter during 1916 were limited at best, as Flynn notes that he only gained four recruits by October. This discouraged and unsettled Hershey, making him believe that a generation of men was emerging that had no real concept of the importance of their duty to the state. He also felt that the War Department shouldered some of the blame, as sending guardsmen home after one month did not provide an incentive to join for adventure, travel, or active service. After one particular fruitless attempt, Hershey wrote of one man who seemed not to care about whether or not he even held a job: "It is more than I can conceive what some people have in the way of

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<sup>5</sup>Flynn, "Lewis Hershey and the Conscientious Objector," 2-3.

an idea about this old world anyway. This young man seemed to have absolutely no idea of personal responsibility toward anybody or anything.”<sup>6</sup>

As Europe and other parts of the world continued to fall deeper into the abyss of World War I, Hershey became disillusioned about the reluctance of many Americans to get involved or their lack of a desire to serve. He commented in his diary,

The people that really believe that something should be done are for the most part altogether too willingly to let someone else do it! As a friend writes me, ‘I wish you success in the recruiting business, but I cannot sign.’ More and more the feeling grows on me that America, as did Germany in 1815, will some time be awakened by a national degradation. I firmly believe that we [should] prepare to maintain peace than fight to regain.<sup>7</sup>

Though Hershey was by no means a warmonger (he stated in a number of private conversations with Paul French that he did not like war), he was also a realist and believed that the best prospects for peace came from preparedness. That meant that men had to serve in the military for the United States to be prepared for any menace that threatened its interests.

In addition to his time as a recruiter, American involvement in World War I had a profound effect on Hershey’s concept of service, his views concerning peace, and what he perceived as complacency. Hershey elucidated his beliefs on preparedness not long after the official declaration of war by the United States on Germany. His diary entries make it quite clear that he hated the prospect of war, but accepted it as a necessary sacrifice, apparently accepting much of President Woodrow Wilson’s rhetoric with his

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<sup>6</sup>Lewis B. Hershey Diary, September 7-8, 1916, Lewis B. Hershey Collection, Trine University, Angola, IN; and Flynn, *Lewis B. Hershey*, 18.

<sup>7</sup>Hershey Diary, September 14, 1916.

calls to “make the world safe for democracy.” The act of men marrying quickly to avoid the draft particularly irked Hershey. He wrote,

The horror of war is felt at the very mention of the name. Yet in that dire need we stand of its stimulatory effect. How tardy indeed is our nation from the legislator down. To a sad pass has come this ‘beacon light’ of the Western Hemisphere when provisions have been made to prevent whole droves of young men of military age from marrying to shirk their duty.<sup>8</sup>

From this entry, we see that Hershey was disappointed in a nation that espoused spreading freedom across the globe, but made exceptions for men who, in his mind, married for no other reason than to avoid the draft. On the surface, it would seem that Hershey would not support conscientious objection in his later years based on this passage. But bear in mind that Hershey made it clear that *sincere* objectors were to be given full protection. His problem lay with those who were irresponsible or shirking their national duty.

Hershey also believed that reversing a trend of anti-interventionism into foreign wars was a difficult prospect. He firmly believed that the United States was doing the right thing in actively participating in World War I, writing that, “Personally, I am a strong believer in the ultimate good that shall arise from the war, no matter how long it may be prolonged.” He was, however, concerned about complacency he perceived in Americans during peacetime. He believed in preparedness to ensure peace and that the hope for ending war in perpetuity was a fallacious aspiration. War was a part of the human condition and like it or not, it would never go away.<sup>9</sup> The best way to preserve

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<sup>8</sup>Hershey Diary, April 17, 1917.

<sup>9</sup>Hershey Diary, November 15, 1917.

the American lifestyle and freedoms was to remain vigilant. Beyond rejecting intervention in foreign wars, it also meant the service of all eligible males in some form.

Hershey's stance towards conscientious objection was multifaceted, but it was built around a concept of service and decentralization that came, in part, from his upbringing and early years in the military. In early 1941, Hershey publicly defined his overall ideas for classification of the CO. His description is an excellent example of both his belief in the individualism of conscience and the decentralization of conscription.

When asked to define exactly what a CO was, he answered,

It is not possible to pronounce such a definition. Conscience is an undiscernable [sic] something hidden in the heart and head of a man. Each case must stand on its own foundation. The law has given the local boards (and the boards of appeal when appeals are perfected) the power and function to decide this unusual issue in each case. They are the judge and the jury. Those of us in National Headquarters and also in State Headquarters should be careful not to encroach upon their peculiar province.<sup>10</sup>

He added that the role of the policy makers was to provide a framework for the local boards to make their classifications. According to Hershey, it was up to the local boards “to locate the conscience and then measure the extent of its objection to the military service.”<sup>11</sup>

Though it appears on the surface that this dynamic makes the local draft boards the central institution in the tale of conscientious objection in World War II, the reality lies a bit deeper. As many scholars have written, the draft boards tended to be inconsistent in granting CO classification. Some draft boards were quite lenient while

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<sup>10</sup>*Selective Service*, February 1, 1941.

<sup>11</sup>*Ibid.*

others denied all of the CO classification requests that came before them.<sup>12</sup> This inconsistency was most definitely a part of the CO experience during World War II and that inconsistency was a direct result of Hershey's desire to have a decentralized mode of conscription. In this particular example, the power was not in Hershey's hands. However, it was his delegation and his desire to have a Jeffersonian model of conscription that led to this dynamic. While he may not have been directly involved in classifying objectors (in all fairness, he was the national director and classification was a job he had to delegate), his actions in passing the responsibility to the local boards was incredibly significant in the way conscientious objection unfolded in World War II.

Also within his belief structure toward a decentralized draft was the person whom Hershey referred to as the "necessary man." The necessary man was the person who held a job on the homefront significant to the war effort, such as working on a farm or in some form of vital industry. This is an imperative point to discuss because it reflects the primary mission of the Selective Service – to raise an army without disruption of the economy or production on the homefront. Hershey made this quite clear in the middle of 1941 when he wrote,

The primary purpose of the Selective Service System is to procure men for military training, but these men must be obtained in a manner which will cause minimum interference with our national life and especially that part of it engaged specifically in providing means for national defense.<sup>13</sup>

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<sup>12</sup>Eller, 26-27; Flynn, "Lewis Hershey and the Conscientious Objector," 2; and Sibley and Jacob, 57-64.

<sup>13</sup>*Selective Service*, May 1, 1941.



In short, the goal of the Selective Service was to help win the war. It was to identify men fit for military service and keep the “necessary man” in industry or agriculture if he was too important to the production of the homefront.<sup>14</sup> He left the classification of these men to the local draft boards, with guidance coming from his national office. Hershey’s emphasis on this point remained in place throughout the war: it was the job of the Selective Service to select the people who could be spared for military service with the purpose of building an army to fight in a modern, industrialized war. The Selective Service’s primary mission was not to provide for or administer conscientious objection, but Hershey’s role in that dynamic was still pivotal.

Hershey’s reasoning for decentralizing conscription reveals a pragmatic approach with an eye for the real-world applications of his regulations. During a 1975 interview, though he tended to ramble in his old age, and was a bit unclear in places, his views were definitely discernable. He said,

You think you can write a dozen books that would cover all of the cases that you have [in regards to conscientious objection]. Because in the first place, outside of the Mennonites and the Brethren, who happen to [be] pretty well drilled, but the Quaker and anybody else that you can think of is an absolute individualist. He probably doesn’t agree with anybody in his group. I can take a bunch of Quakers and have them sit down here and you’d be surprised at what they would tell you. “Would you go in the Armed Forces?” “I would if I had to. I wouldn’t tell anybody, but I would go in. Because in the first place, I’ve got to go somewhere and I’ll go that way.” “How about you?” “Oh, I wouldn’t go near the place.” “Would you take work of national importance?” “No, not under any circumstances....” Now, you just start out trying to write up, so that the local board when they get a hold of the guy can listen to what he says [meaning heavy centralization makes classification nearly impossible].

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<sup>14</sup>*Ibid.*

I'd rather trust the folks that are out there, especially those that work for nothing, and a guy who's working for nothing on a local board is in much better shape than a guy who's getting paid.<sup>15</sup>

What this signifies is that Hershey believed that nobody knew the situation of the CO better than those who lived in the CO's community. Therefore, in his mind, no single person was better qualified than the local draft board to determine the CO's sincerity or his classification. Hershey grew up in a rural portion of northeastern Indiana, near Angola, a small town typical of rural American at the turn of the nineteenth century. Hershey's years there helped to shape his views on the importance of local, decentralized government, as it was a place where most people knew of one another. Though he called for people to think and serve nationally, he believed in the importance of American locales to classify draftees for some from of national service. It may have made for inconsistency, but it was the system in place, it affected conscientious objection, and Hershey fought for it throughout his career.

In October 1941, Hershey responded to a CO who complained that the government could not coerce him into working or serving. His reply provides one of the best insights into his beliefs concerning service and minority rights. In his letter to L. Taylor Krawczyk, the CO in question, he consistently argues that if the majority of citizens in the United States shirked their duty to the state and society, the entire structure could fall apart. He viewed CPS and the idea of alternative service in general as a

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<sup>15</sup>Robert Elder and James Hattersley, *Report of Interviews with Lewis B. Hershey, General, USA (Retired)* (Carlisle Barracks, PA: US Army War College, June 9, 1975), Part IV: 31-32.

privilege for minorities that allows them to avoid military service but did not allow them to avoid any service whatsoever. He wrote,

As a member of society you daily throughout your life have accepted privileges made possible entirely by efforts of others. So long as you participate as a member of society and accept its common privileges, society must reserve the right to require and compel services from you. Military service is basic because its objective is the preservation of the life of the organization. By grace, our government permits alternate service for those opposed to bearing arms. This alternate service is not the right of citizens. It is an indulgence extended to a few. Whenever this privilege becomes a common request, it must be denied or the nation perishes.<sup>16</sup>

Hershey believed that this stance actually benefited conscientious objectors. If COs were allowed to avoid any type of service altogether, the backlash could be so severe that a system could be put in place that would be “less favorable” than the current structure of conscientious objection.<sup>17</sup> This particular letter signifies one of the foundations of CO policy as administered by Hershey during World War II. It also is one of the major insights into furthering the definition of the concept of the citizen soldier in the United States. During wartime, it was the duty of every citizen to protect or otherwise serve the interests of the nation. Whether one toiled in the fields, labored in the factories, served in the military, or objected to war, everyone must serve. Society and the structure of civilization demanded it. Therefore, even if one objected to military service, he could not avoid service altogether. The duty to the state and society must be fulfilled by alternate means.

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<sup>16</sup>Lewis Hershey to L. Taylor Krawczyk, October 1, 1941, Center for Conscience and War, Series A, Correspondence with General Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>17</sup>*Ibid.*

It also bears mentioning that although Hershey is the focus of this study, and he was the central figure for conscientious objection in World War II, he was but one man. The Selective Service was a bureaucratic institution, and its official stance as the arbiter of policy needs a brief discussion as well. The best record for the Selective Service during World War II is the *Reports of the Director of Selective Service*. Though it is an institutional governmental report, it reflects the personal views of Hershey filtering through to become a matter of institutional policy. For example, in the chapter of the report that discusses conscientious objection, a subheading appears titled “The Individual Conscience in a Free Nation.” The text that comprises this portion of the chapter meshes perfectly with the personal beliefs and attitudes of Hershey put forth in the previous pages of this chapter. It reads,

It is part of those larger and human conceptions of human liberty and human personality which are at stake in this war, that the judgment of individual conscience opposed to the national will, should be given consideration and allowed a form of cooperation consistent with its judgments, if they are the results of religious training and belief. Judgments that are merely economic, or political, or social in its grounds, are in the areas where the State imposes its will.<sup>18</sup>

In other words, the rights of the individual to object should not be trampled on, and the central reason for the objection had to be religious in nature. If the objector’s reasons were secular, the state could rightfully force him to serve in the military as a combatant.

Also in the report is a discussion of service for COs. The Selective Service was very blunt on this point. “The [Selective Service and Training Act of 1940] ... does not recognize the right, nor grant exemption from service to the Nation in its time of peril.”

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<sup>18</sup>*Selective Service in Peacetime: First Report of the Director of Selective Service, 1940-1941*, (Washington, D.C.: Government Printing Office, 1942), 188.

Conscientious objection was absolutely in no way a form of avoiding service altogether. Instead, if a CO was eligible for service, his beliefs came into play, and he was either drafted into the army as a noncombatant (Class I-A-O) or served in Civilian Public Service (Class IV-E).<sup>19</sup> Those who objected to any form of *military* service were the objectors who qualified for CPS. A similar statement appears in the early portions of the official history of conscientious objection and the Selective Service. It reads, “*The philosophy of Selective Service*, as embodied in its basic law of 1940, was that no militarily liable citizen had the right of exemption from service to the Nation in time of emergency, whatever his religious training or affiliation, and whatever his personal beliefs and opinions.”<sup>20</sup>

Therefore, of his earliest ideological manifestations, Hershey’s belief in the importance of national service to the state as one of the foremost duties of Americans was pivotal in his stance towards conscientious objection. Also playing a significant role was his Mennonite heritage and belief in decentralization. His early years prior to the passage of the Selective Service Act of 1940 definitely played a role in shaping those facets of his character. It is now necessary to turn to a discussion of Hershey’s early years to understand his ideology more clearly.

It is now necessary to provide a brief biography of Hershey to provide a better grasp on his beliefs. Lewis Hershey was born on September 12, 1893 to Latta and Rosetta Hershey in Steuben County, Indiana. Northeastern Indiana, near Angola, was

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<sup>19</sup>*Ibid.*

<sup>20</sup>*Conscientious Objection*, 1.

Hershey's home until he graduated from high school. Rosetta died in 1898, and her sister, Alma, helped to raise young Lewis.<sup>21</sup> Hershey worked on the family farm and had a romantic affinity in later life for the years he spent as a youth laboring there, though he never wanted to make it a career. In later years, Hershey recalled how his upbringing in rural Indiana helped to shape his character. He stated in an interview with biographer Richard Seiverling,

First, we all believed in work – hard work – and long working hours. Second, we learned early in life how important it is to rely on a person's word. We would never take a man's note if you couldn't trust his word. We took our neighbor's word at face value, because we knew his background and we believed there was validity to his word.<sup>22</sup>

He began his education in one-room schoolhouse in 1899 and proved to be an exceptional student throughout his schooling. He went on to Fremont High School at a time when most of his peers quit school after the eighth grade, graduating in 1910. His aptitude and belief in the strength of a good education were apparent when he continued on to Tri-State College (now Trine University) in Angola, from which he graduated with honors in 1914. While there, he displayed particular talents in mathematics, the humanities, and athletics. He played intramural baseball and varsity basketball in addition to serving as Deputy Sheriff of Steuben County, working for his father when the citizens of Steuben County elected Latta as their sheriff. He also coached the women's basketball team at Tri-State and was a member of debating clubs.<sup>23</sup>

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<sup>21</sup>Flynn, *Lewis B. Hershey*, 3-5.

<sup>22</sup>Quoted in Richard Seiverling, *Lewis B. Hershey: A Pictorial and Documentary Biography* (Hershey, PA: Keystone Enterprises, 1969), 14.

<sup>23</sup>Flynn, *Lewis B. Hershey*, 6-7, 10-12.

After graduating from Tri-State, Hershey found employment as principal of Flint High School in Steuben County. Hershey proved to be an exceptional high school principal, displaying qualities that would eventually serve him well as the Director of the Selective Service. He endeared himself to the local population in Flint with his optimistic nature, paternalistic demeanor, and organizational skill. In addition to his duties as an administrator, Hershey also taught a broad range of subjects alongside four other teachers. He was so popular that parents who normally sent their children to larger schools pulled them out and sent them to Flint so Hershey could educate them. When his National Guard duties called him away in 1916, many of his students threatened to quit if he left.<sup>24</sup>

Hershey began his long service in the military when he enlisted in the Indiana National Guard in 1911. He saw service in the Guard as an opportunity for career advancement, something he felt would elude him if he remained in the Angola area as an educator or farmer. As a member of the Guard he advanced quickly, becoming a corporal in 1912 and a sergeant a year later. His imposing physical stature (he was six feet tall) along with a talent for organization served him well. He was an exemplary Guardsman who valued drill and punctuality. His company eventually elected him second lieutenant in 1913, with fellow Guardsman and eventual Selective Service subordinate Lewis Kosch serving as his campaign manager for the post. Thus began a

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<sup>24</sup>*Ibid.*, 13.

long association between the two men that had a significant impact on conscientious objectors in World War II.<sup>25</sup>

That same year, the federal government called Hershey's unit to active duty and he deployed to the U.S-Mexico border as a part of the U.S. incursion into Mexico to stem Pancho Villa's raids. It was during this tour that he began to develop his philosophy about the United States and its level of military preparedness. During his deployment along the border he experienced the squalid conditions and generally poor military decorum of an army lacking decent training. He came to believe in conscription and rejected the practicality and workability of an all-volunteer force. He also realized that if he wanted to advance through the military ranks, his best opportunity would be in the regular army. However, prior to the First World War, an appointment was an unlikely possibility. Yet, he served on active duty for the U.S. Army from June until December 1916 and chose to remain in the National Guard after his unit was released from federal service, also serving for a time as a recruiter in the New Albany area. His recruiting efforts were unsuccessful, as only a few men signed up for the Guard. Because of the low number of men who signed up, he became more firmly convinced that using volunteers was not a feasible basis for raising an army prepared for the needs of modern warfare and international dynamics.<sup>26</sup>

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<sup>25</sup>*Ibid.*, 14-15. Kosch served as Chief of Camp Operations during World War II, which was the division of the Selective Service that dealt with the administration of Civilian Public Service.

<sup>26</sup>Hershey Diary, September 7-8, 1916; and Flynn, *Lewis B. Hershey*, 16-20.



After his release from active duty in December 1916, Hershey began a graduate degree at the University of Indiana in Bloomington. When the United States entered the First World War in April, Hershey found himself working at the headquarters of the First Battalion, Third Infantry of the Indiana National Guard to prepare it for commissioning in the U.S. Army. When Congress passed the Selective Service Act of 1917, he approved, as his experience in Mexico and as a recruiter convinced him that volunteering was not the efficient way to raise an army. He went back on active duty in August and shortly afterwards his regiment became the 137<sup>th</sup> Field Artillery in the 38<sup>th</sup> Division of the National Guard of the United States. In May 1918, he received a promotion to captain and that summer he became the division personnel officer.<sup>27</sup>

Hershey's writings on the eve of World War I reveal a man who frequently thought, at an early age, about the role of the United States in the world. He believed that much good would ultimately come from American participation in World War I and he chided his fellow countrymen who did not support preparedness or intervention. He believed that sectors of American society had become lazy and focused too closely on their own problems rather than those of the world. He contended that many pacifist leaders, who called for strict neutrality before World War I, seemed to change their mind quickly, yet their followers were not as wont to get involved. He did not feel that American adequately prepared for the role of the United States in the future of the world and hoped World War I would change their thinking from a local viewpoint to an international one. He wrote in his diary,

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<sup>27</sup>Flynn, *Lewis B. Hershey*, 20-24, 26.

Many of these conditions had a great deal to do with the noticeable lethargy that had hold of the people as the outbreak of the present war so far as America was participating. Our people unused to thinking in national terms, let alone international, could grasp ... slowly our interest in the outcomes of the conflict.<sup>28</sup>

Before his embarkation for France as a part of the American Expeditionary Force (AEF), he still believed in the mission of the United States to aid in the cause of the Allied Powers. He thought that ultimately, the war would solve some of the problems of inaction and superfluity that he perceived to have pervaded American culture. He did not believe that the war would fix everything, but it could "...remove many of the superficial things that have overcrowded our existence." In his mind, the men who served saw firsthand what difficulties life presented to people. Regardless of their wealth or social standing, military life allowed soldiers "to live like men" and, "Countless numbers are by sacrifice finding out what real life is like after all."<sup>29</sup>

In late September 1918, he embarked overseas as a part of the AEF but never saw action, as the belligerents signed the armistice exactly one month after he landed in France. He remained there, serving in an administrative role until September 1919 as a Transportation Officer at the AEF Headquarters in Brest (where Kosch coaxed a transfer to join him), and he organized the transportation for thousands of doughboys returning home.<sup>30</sup>

After the war, a disillusioned Hershey believed that there would be a future need for a strong military because the peace made at Versailles would not last, so the United

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<sup>28</sup>Hershey Diary, November 16, 1917.

<sup>29</sup>Hershey Diary, September 25, 1918.

<sup>30</sup>Flynn, *Lewis B. Hershey*, 27-29; and Hershey Diary, December 4, 1918.

States had to be prepared. This was another reason he sought a commission in the regular army, along with being prodded to do so by his wife, Ellen. Hershey remained in the Guard until he accepted an officer's commission in the regular army in 1920, training as an artillery officer. From 1923 to 1927, Hershey bounced around the United States, graduating from the Field Artillery School at Fort Sill in 1923. After his training at Fort Sill, he taught Military Science at Ohio State University from 1923-1927 while serving as an ROTC commander at Camp Knox in Kentucky during the summer months from 1924-1926. In July 1927, Hershey became the commanding officer of an artillery battery at Fort Bliss, Texas. During these years, the tall and athletic Hershey also displayed a talent for polo. However, in November 1927, this affinity led to a serious setback for his advancement as an artillery officer when a polo mallet struck his right eye during competition. He lost the use of his eye but he did not let his disability hinder his success in the army.<sup>31</sup>

Hershey attended the army's Command and General Staff College at Fort Leavenworth, Kansas, graduating in 1933. His first assignment following graduation was as a quartermaster in the Arkansas Civilian Conservation Corps. As a part of the New Deal, President Franklin Roosevelt had the military provide officers to establish and supervise the CCC work camps. This was only a temporary assignment for Hershey, though, and afterwards he was able to gain admittance into the Army War College. He performed serviceably, if not glowingly. Interestingly, his War College evaluation noted that Hershey was "qualified for duty with civilian components." Next, he became the

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<sup>31</sup>Flynn, *Lewis B. Hershey*, 32-42.

assistant to the G-4 at Fort Shafter, Hawaii, and gained a promotion to major in July 1935.<sup>32</sup>

In 1936, Hershey received orders to report to the personnel branch of the War Department in Washington, D.C.<sup>33</sup> With this appointment began a long and storied career in national manpower policy, which lasted until the early 1970s. He served as secretary of the Joint Army Navy Selective Service Committee (JANSSC) in 1936, which led to his appointment as the Assistant Director of the Selective Service under Clarence Dykstra in 1940. He became director after Dykstra's resignation in 1941, a position he held for nearly three decades, serving under six presidents.

A cursory examination of the background of Lewis Hershey reveals the foundation that led to his opinions on the nature of conscientious objection and national service during World War II. From his years growing up on a farm in northeastern Indiana, Hershey was man who remained tied to his roots believing in a Jeffersonian model of conscription that emphasized decentralization in classification of draftees. That decentralization was of great significance for conscientious objectors as that was the first step for them in gaining legal recognition on a personal level. Furthermore, his Mennonite heritage provided him with some sense of identity in which he could relate to the objectors. Though not a practicing Christian, Hershey's Mennonite background provided him, at the very least, with a certain knowledge of the stance of religious conscientious objectors. Finally, and by far most significantly, his years as a recruiter for

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<sup>32</sup>*Ibid.*, 42-45, 45 (quote).

<sup>33</sup>*Ibid.*, 45.

the National Guard, his service on the Mexican border, and his experience in World War I shaped his concept of service that led to his insistence on alternative service for all objectors. Every draftee was to serve in some capacity, as it was his belief that the duty of all eligible men was to serve their nation when called upon. It was this belief that tied conscientious objectors to the tradition of the citizen soldier in American history. As the Director, all matters of conscience in the draft went through Hershey's office as he was the singular person in charge of CO policy within the Selective Service. For that reason, his points of view regarding the matter were of the utmost importance. The foundation laid during his early years, such as an emphasis on service and a belief in decentralization, provided the necessary basis upon which he built his nuanced and sympathetic ideology that shaped alternative service during World War II.

## CHAPTER 4 – HISTORY AND DEMANDS OF MANPOWER AND CONSCIENTIOUS OBJECTION

Throughout the history of the United States, there has been a long-standing tradition of conscientious objection to military service beginning with the arrival of Quakers in North America during the mid-seventeenth century. Although conscientious objection has been a part of the American military experience almost from its inception, the lack of uniformity in dealing with COs meant that there was no firm precedent in 1940 for how to treat them with the advent of peacetime conscription. This had to do partly with the changing nature of warfare from the seventeenth through the twentieth centuries and the differing needs of the military during its history, but it also had to do with the changes in federal power during that time and the state's abilities to muster armed services in wartime. As a result, by World War II, there was no real frame of reference for the treatment and provisions for conscientious objection as a matter of federal policy. There were definitely accommodations made for them prior to World War II, but those accommodations differed over time and were not firmly established as federal law. Furthermore, many of those accommodations were problematic to the

Historic Peace Churches, who did not wish to compromise their beliefs. This is why World War II and General Hershey's role in developing and supporting the legislation for conscientious objection and alternative service is so important. The history of conscientious objection up to the years of World War II reveals that while COs may have been recognized by various authorities over time, there was no uniform method of providing for conscience. The localized dynamics of the colonial era and the Revolution meant that the laws differed from colony to colony, though they all had some sort of provision for COs. Commutation and the practice of hiring substitutes in the Civil War meant that COs had methods to avoid conscription, but those methods were problematic for some members of the Peace Churches. World War I saw the first truly national draft intended to raise an army through conscription, but there was no precedent for dealing with COs in a conscripted army and the result was a disaster. Indeed, Hershey's actions during World War II represented the major portion of the first systematized institutional effort to provide an alternative form of service for religious objectors, seeking to avoid the mistakes of World War I.

In a discussion of conscientious objection during the colonial era of United States military history, it is imperative to explain the militia tradition, because, as Allan Millett and Peter Maslowski state, "The most important response to the dangerous military realities was the creation of a militia system in each colony."<sup>1</sup> The militia emerged in the American colonies for a number of reasons. It was part of a legacy that harkened back to the late twelfth century reign of Henry II and was then further cemented with the

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<sup>1</sup>Millett and Maslowski, 2.

Instructions for General Muster in 1572 during the Elizabethan Era.<sup>2</sup> The fact that the frontier was a dangerous place with the possibility of attack from natives combined with the expense of maintaining a professional fighting force created a situation that made the militia an attractive option for defense in all of the American colonies. While it was a diverse institution and varied from colony to colony, it also possessed a number of similar traits.<sup>3</sup>

The militia laid the foundation for the tradition of the citizen soldier in American history. While that particular dynamic did not really emerge until the Early National period, there are definitely trappings of it reaching all the way back to the early colonial era. A militia-based defense force assumed that all able-bodied males in the settlement held the responsibility of defense. It was common practice for a colony to declare that all able-bodied men within a certain age range were members of the militia. The age range was usually from sixteen to sixty, but there were always exceptions. In some places the upper age limit dropped to forty-five, while in others, the lowest age could be eighteen or twenty-one. In keeping form with the theme of individual responsibility for defense, members of the militia were responsible for arming themselves.<sup>4</sup>

Because of its structure and purpose, the militia was most definitely a community-based organization. The earliest militias defended their own areas and could not aid their neighbors without opening themselves to attack. However, as colonial society began to

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<sup>2</sup>John O'Sullivan and Alan Meckler, eds., *The Draft and Its Enemies: A Documentary History* (Chicago: University of Illinois Press, 1974), 3.

<sup>3</sup>Millett and Maslowski, 2-3.

<sup>4</sup>*Ibid.*, 3.



mature and venture further inland, the militia system began to change and in some ways, became obsolete. The threats of Indian attack were further inland, not near the major centers of population along the coasts. This made the militia more of a ritualistic and cultural organization than an actual legitimate form of defense for the large settlements. During a time of war, the colonial legislature reorganized these units into the fighting entities that served in battle. As the colonies matured, the militia served as a device for training for larger conflicts and expeditions rather than a large-scale local defense force. Rather than keep a large active militia on hand, the militia districts added men to the ranks during a conflict or expedition through volunteering, drafting, substitution, and hiring.<sup>5</sup>

The dynamic described in the last few paragraphs was the primary means of fighting some of the early conflicts in colonial America, such as the Pequot War (1634-1638) and King Philip's War (1675-1676). As France and Spain became the primary enemies of England and, consequently, of the English colonists, the means of military manpower procurement shifted, yet the legacy remained, and the militia still played a role. At home, it was still a duty that all eligible men shared, and sometimes they left their homes to fight in battle. Militiamen fought in King William's War (1689-1697), Queen Anne's War (1702-1713), the War of Jenkins' Ear (1739-1742), King George's War (1744-1748), and the French and Indian War (1754-1763). Although the militiamen fulfilled their duty, the British regulars had a particular disdain for them, at best seeing

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<sup>5</sup>*Ibid.*, 5-6; and O'Sullivan and Meckler, 4-5.

them as poor soldiers.<sup>6</sup> However, the militia in the early years of American colonization played such a significant role that it took on a legacy of its own, evolving into the citizen soldier tradition that marked service in America's armed forces throughout their existence.

For the purposes of this study, conscientious objection during the colonial era meant objection to service in the militia. The first conscientious objectors in the American colonies were the Quakers, who first came to the shores of America in the latter part of the 1650s following the emergence of Quakerism in England under the leadership of George Fox. They settled in the colonies of Massachusetts, Plymouth, New Hampshire, Rhode Island, New Netherlands, Maryland, Virginia, and the Carolinas.<sup>7</sup> Eventually, their largest centers of population were in Pennsylvania, New Jersey, and Delaware, thanks to the efforts of William Penn who established Pennsylvania in 1682. Throughout the colonial era, only the colony of Pennsylvania had a blanket deferment for Quakers from military service, but that lasted only until the advent of the American Revolution. All the other colonies required service in the militia, usually for those males

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<sup>6</sup>James M. Morris, *America's Armed Forces: A History* (Upper Saddle River, NJ: Prentice Hall, 1996), 11-12.

<sup>7</sup>The term "conscientious objector" did not come into use until the twentieth century. Before then, people referred to objectors as "nonresisters." Because of the possibility for confusion and the focus on the twentieth century in this dissertation, the term conscientious objector will be used in all discussions unless otherwise noted. See John Whiteclay Chambers II, "Conscientious Objectors and the American State from Colonial Times to the Present," in *The New Conscientious Objection: From Sacred to Secular Resistance*, ed. John Whiteclay Chambers II and Charles C. Moskos (New York: Oxford University Press, 1993), 23.

aged 18 – 50. Beyond service in the militia, Quakers also faced the possibility of impressment into the Royal Navy, which happened on occasion.<sup>8</sup>

Throughout the colonial era, the official stance of the Society of Friends was that of absolutist objection, meaning complete and total exemptions from military service. Persecution for their absolutist stance came almost as soon as they arrived in the colonies. The first documented examples were in Maryland in 1658, where Quakers were attacked, fined, and had some possessions taken from them for their refusal to serve in the militia. In some cases, the Quakers' positive relationship with Indians created much animosity toward them by colonial executives and resulted in those executives publicly denouncing the doctrine of pacifism.<sup>9</sup> Other colonies, such as New York, Massachusetts, North Carolina, and Virginia invoked similar punishments as those in Maryland.<sup>10</sup> Outside of Pennsylvania, the most liberal of the colonies for treatment of COs was Rhode Island, which is understandable given the proclivity for religious liberty of the colony's founder, Roger Williams. The Rhode Island government passed legislation in 1663 that promoted religious liberty and ten years later, passed a provision in a militia act that exempted all people (not just the Peace Churches) from militia service if their conscience could not

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<sup>8</sup>Peter Brock, *Pacifism in the United States: From the Colonial Era to the First World War* (Princeton, NJ: Princeton University Press, 1968), 21-66; and Peter Brock, ed., *Liberty and Conscience: A Documentary History of the Experiences of Conscientious Objectors in America through the Civil War* (New York: Oxford University Press, 2002), 3-4.

<sup>9</sup>Brock, *Pacifism in the United States*, 28-29; Brock, *Liberty and Conscience*, 4; and Kohn, 6.

<sup>10</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 25.

allow them to take up arms. This effectively created some of the first CO legislation in the American colonies, along with a similar act in Massachusetts, albeit with reservations, after Rhode Island's 1663 act but before the militia exemption. The Rhode Island legislation owed more to it than just the beliefs of Williams, it was also the result of a government that had a large number of Quakers serving in it. Furthermore, this Quaker-dominated legislature absolutely rejected bills that took advantage of Indians, choosing instead to live in harmony with their native neighbors.<sup>11</sup>

Pennsylvania was the other colony that had significant legislation protecting the rights of the conscientious objector. Much in the same way that Rhode Island's religious dynamic was a result of the influence of Roger Williams, in Pennsylvania it was the product of one of the most famous Quakers in history, William Penn. Experiencing persecution at the hands of the English government for his religion, Penn eventually received a colony charter and founded the colony of Pennsylvania with religious liberty and freedom of conscience as the core values of the colony. Penn sought to create a colony that reflected the values of his Quakerism. So deep was the Pennsylvanian commitment to pacifism that it was only the French and Indian War that forced the colonial legislature's to create a militia.<sup>12</sup>

The various conflicts in colonial America, such as the War of Spanish Succession, the War of Jenkins' Ear, and the French and Indian War, led to the continuation of Quaker persecution for their refusal to serve. Beyond their refusal of military service,

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<sup>11</sup>Brock, *Liberty and Conscience*, 5; Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 25-26; and Kohn, 8.

<sup>12</sup>Kohn, 8-9.

many also refused to labor in any capacity that the military required, such as building forts or digging ditches. The conflict that produced the most tension in traditionally Quaker-friendly Pennsylvania was the French and Indian War. On the Pennsylvania frontier, settlers (most of whom were non-Quaker) called for increased defenses against the French-backed Indian attacks on their settlements. With additional pressure from the English government, the Quaker government of Pennsylvania turned away from an official stance that reflected the values of the Society of Friends and passed legislation providing money for military expenditures. This marked the end for the “holy experiment” of the Quaker government in Pennsylvania.<sup>13</sup>

In colonies other than Pennsylvania, the French and Indian War meant a re-emergence of Quaker persecution. Needing men to augment the British army to face the French and Indian threat, the English government pressured the colonies to improve the numbers in recruitment and take an active role in requiring men to serve in the militia.<sup>14</sup> However, there were examples of tolerance. Perhaps the best example comes from a colonel in the Virginia militia whose name until the Revolution was synonymous with an embarrassing surrender at Fort Necessity: George Washington. Under his command, Washington had seven Quaker draftees who absolutely refused to hold a musket, pay a fine, or hire a substitute. Again, this is evidence of the absolutist stance of the Society of

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<sup>13</sup>Brock, *Liberty and Conscience*, 6.

<sup>14</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 27.

Friends. Washington proved to be more than accommodating in this instance, as he eventually agreed to grant them their freedom from service.<sup>15</sup>

During the colonial era, the Quakers represented the largest peace group in the colonies, but there were other Christian sects that refused to serve in the military. Though quite small in number during this time, the Rogerenes, the Brethren, and a few individual Baptists repudiated military service based on their religious beliefs. Another, much larger group, but without the extensive documentation of the Quakers, were the Mennonites. Coming to Pennsylvania and Virginia in 1683 and still speaking German, the Mennonites practiced nonresistance and hence, refused to serve in the colonial militia. Their practices differed from the Quakers in that they were willing to pay a fine instead of personally drawing the sword against their fellow man. However, they, like the Quakers, rejected hiring substitutes, seeing that practice as little more than sending another man to kill and shed blood in one's place, making them complicit in taking another life. Because of their settlement in Pennsylvania, the Mennonites did not face much difficulty when it came to militia service, especially when compared to the Quakers in other areas. Interestingly, the dynamic in Virginia was similar because of the Mennonite willingness to pay a fine in lieu of military service.<sup>16</sup>

The militia continued as a part of the American military tradition during the early days of the American Revolution. The militias filled their ranks through both draftees

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<sup>15</sup>Brock, *Pacifism in the United States*, 61-62; and Brock, ed., *Liberty and Conscience*, 6.

<sup>16</sup>Brock, *Pacifism in the United States*, 159-182; and Brock, *Liberty and Conscience*, 5-7.

and volunteers, with conscription being resorted to only when manpower needs did not meet the situation at hand. As was the case during the colonial era, the overwhelming trend during the Revolutionary years was that citizens saw their duty as protecting the interests of their locales. All eligible adult males were responsible for local defense, but the duty of colonial defense fell to the volunteer militia. In practice, the volunteers were much more pertinent, because community-based defense was not as important as colonial or regional defense.<sup>17</sup>

The creation of the Continental Army imparted a new dynamic to military service in the colonies. Now, there was a military organization that represented all of the colonies as a whole. The Continental Army represented the national identity of the fledgling United States. As the fortunes of the Continental Army went, so went the fortunes of the United States. Throughout its existence, the Continental Army's biggest problems were manpower and supply. The ideology of the Continental Congress created a major roadblock for raising the needed number of troops. The Congress did not wholeheartedly support a standing army and because of that reluctance, supplying the army with adequate numbers of men and supplies was a constant headache for General Washington. There was what Revolutionary War military historian E. Wayne Carp calls a "localist worldview and deep distrust of the military" in the early American political dynamic. In 1776 an enlistment drive for a twenty thousand man Continental Army fell

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<sup>17</sup>O'Sullivan and Meckler, 5-6.

woefully short, forcing Washington to resort to militia enlistments, a proposition that he definitely did not favor.<sup>18</sup>

Some of the states resorted to mandatory military service to solve the manpower crisis, though the legislatures did so reluctantly. Massachusetts was the first in 1776, and eventually the Continental Congress established a quota for each state to send to the Continental Army, which was then divided among each militia district. This was not a complete and total draft as men could hire substitutes or pay a commutation fee, a practice that continued through to the Civil War.<sup>19</sup>

For the main peace sects in the colonies/states, the American Revolution represented a new dilemma, yet most of them remained true to their peaceful convictions and refused to serve. Many of them believed in the ideology of the Revolution, but they could not support a violent revolt.<sup>20</sup> The biggest problem for the three sects was universal military obligation. There were statutes for conscientious objectors in the colonies with a large population of pacifists, but there were eventual problems with substitutions and/or commutation fees.<sup>21</sup>

As stated earlier, a man could avoid military service by paying a fee or finding a substitute, but this posed a particular problem for the Quakers. They refused both options

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<sup>18</sup>E. Wayne Carp, *To Starve the Army at Pleasure: Continental Army Administration and American Political Culture* (Chapel Hill: University of North Carolina Press, 1984), 5, 14-15; and O'Sullivan and Meckler, 6-7.

<sup>19</sup>O'Sullivan and Meckler, 8-9.

<sup>20</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 27.

<sup>21</sup>Kohn, 9-10.



because they renounced war and military service in all forms. Hiring someone to do their killing for them or paying a fee that would be used to help make war was impossible for them as a group. As a result, the Quakers suffered the harshest treatment of the three peace sects during the American Revolution. Quakers refused to pay war taxes, to use paper currency (because they believed it was issued only to help make war), to help construct fortifications, and to perform other military labors. Quakers had their land confiscated as a replacement for their service. While some individual Quakers aided the military in one form or another, these members found themselves shunned from their meetings.<sup>22</sup>

The Revolutionary experience was a bit different for the Mennonites and the Brethren. They did not absolutely reject substitutions and commutation fees in the same way that the Quakers did. The Mennonites and Brethren argued that substitutes or fees were a part of their duty to the state and thus did not compromise their peace witness. While this was their official stance, they did not enter into this relationship without some trepidation. Mennonites viewed the hiring of substitutes as more problematic than paying a fee. In fact, most Mennonites did not support hiring a substitute. The Brethren were leery of substitution as well, but they eventually adopted the practice.<sup>23</sup> Because the Mennonites and the Brethren were more willing to provide an alternative form of service, their wartime experience was much less harsh than that of the Quakers.

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<sup>22</sup>Brock, *Pacifism in the United States*, 183-258; Brock, *Liberty and Conscience*, 48.

<sup>23</sup>Brock, *Liberty and Conscience*, 48.

Once the United States gained its independence, conscientious objection was a part of the discussion in forging a new system of government. There was talk for protection of conscientious objection in the Bill of Rights. When James Madison brought the Bill of Rights into the House of Representatives during the First Congress (he was a representative at the time), he called for protection of conscientious objectors from militia service.<sup>24</sup> His original wording was, “The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms shall be compelled to render military service in person.” Though the provision passed in the House after much contentious debate, it failed in the Senate. This debate, which was part of the larger issue of a standing army’s threat to liberty, continued through 1790, when North Carolina and Rhode Island, both with significant Quaker populations, sought to protect conscientious objection with amendments from their ratifying conventions that allowed for the hiring of substitutes in one case and complete exemption from a draft “except in the case of national emergency” in the other. Congress struck both of the possible amendments down, establishing the precedent of conscientious objection as a privilege granted by the federal government rather than a right protected by the Constitution.<sup>25</sup>

During the first half of the nineteenth century, the United States participated in a number of different conflicts that once again provided a moral dilemma for conscientious

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<sup>24</sup>Kohn, 10-11.

<sup>25</sup>Quoted in John Whiteclay Chambers II, ed., *Draftees or Volunteers: A Documentary History of the Debate over Military Conscription in the United States, 1787-1973* (New York: Garland Publishing, 1975), 63-65.

objectors. The War of 1812 was the first major conflict of the era to use American armed forces on a large scale. It was also the first chance for the federal government to incorporate a national draft. Military defeats in the first two years of the war and troop shortages led to economic incentives to bolster volunteers to the U.S. Army, but the ineffectiveness of that policy led to discussion of a national draft. When the British formally invaded the United States in 1814, the manpower situation became critical, and President James Madison called for a national draft. Political divisions between Federalists and Democratic-Republicans, along with refusals to cooperate between the House and the Senate, led to the bill's death in December 1814. By then the manpower needs were not as pressing, since American forces kept control of the Great Lakes and the end of the war was in sight.<sup>26</sup>

Further compounding the issue of pacifism and war, during these years a number of secular pacifist groups began to emerge.<sup>27</sup> Because this study is concerned primarily with the Historic Peace Churches, those organizations will not be discussed in great detail, but they do bear a passing mention because they illustrate the growing complexity of the American Peace Movement and the doctrine of pacifism. Pacifism also became closely aligned with the Abolitionist Movement led by William Lloyd Garrison. While abolitionists resorted to nonviolence to protest slavery, Garrison also called for pacifists to challenge military service laws through civil disobedience. However, because there

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<sup>26</sup>*Ibid.*, 80-83.

<sup>27</sup>Brock, *Liberty and Conscience*, 77.

was no national draft law during the Mexican War, the chance for their efforts to challenge that conflict dissipated.<sup>28</sup>

Throughout the first half of the nineteenth century, the issue of compulsory militia service continued to be problematic for the Historic Peace Churches, particularly the Friends. The Friends' issue lay with complete and total objection to any form of military service. They not only refused to serve, but they also rejected the idea of hiring a substitute or paying a commutation fee. They continued to be quite vocal about their disdain for military service, as they issued a petition to the Virginia Legislature in 1810 asking for complete immunity to service in the militia.<sup>29</sup>

As was the case during the colonial era and the Revolution, in the early nineteenth century the Mennonites and the Brethren had little trouble with governmental authority regarding military service. They both were willing to pay their commutation fees and go on about their business without personally serving in the military. As time progressed, the Quakers began to soften their stance on absolute objection. While a small number of Quakers had been willing to pay the fee, the official stance of the group called for no cooperation. However, as Quaker society moved into the 1830s, their leaders found that the absolutist stance was becoming more and more difficult to control. More Quakers

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<sup>28</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 29; and Kohn, 17-19.

<sup>29</sup>Brock, *Liberty and Conscience*, 78; and Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 29.

were willing to pay the fee and cooperate, moving towards the stance of the Mennonites and the Brethren.<sup>30</sup>

The first instance of comprehensive conscription legislation came during the Civil War from the Confederacy. Faced with the end of the one-year enlistment terms and a weakened stomach for war, the Confederate Army needed men to maintain itself as a fighting force. In April 1862, the Confederate Congress, with Confederate President Jefferson Davis's support, passed a conscription act that required all white men from the age of eighteen to thirty-five to be eligible for the draft, which had a service period of three years. In addition, the government extended the one-year enlistments for another two years of service. However, as would be a recurring theme in the Civil War draft, a number of exemptions existed. Men could hire substitutes from the ranks of those not eligible for the draft, and there were certain occupational deferments, such as for those working in the civil service, railroads, river transportation, mining, various industries, medicine, religion, and education.<sup>31</sup>

The problem with a draft that allowed for substitution and occupational deferments was that it opened the door to fraud. Unlike its Northern counterpart, the Confederate draft did not allow men to pay a commutation fee, so the price of substitutes skyrocketed. Men could join as a substitute, desert from the army, then sign up again to

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<sup>30</sup>Brock, *Liberty and Conscience*, 78-80.

<sup>31</sup>James W. Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb: Northern Illinois University Press, 1991), 3-5; James M. McPherson, *The Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 430-431; and Albert B. Moore, *Conscription and Conflict in the Confederacy* (New York: Noble Offset, 1924; reprint, 1963), 13-14.

collect what was becoming a huge bounty. Substitutions became so abused through this practice that the Confederate government abolished the practice only twenty months after the initial passage of conscription. Another issue was dishonest self-representation in an attempt to gain an occupational deferment. It seemed as though there was a new-found emphasis on education in the South, as many locales established new schools. Large numbers of illegitimate apothecaries began to be seen throughout the South. The state governors who did not support conscription vastly expanded the civil service, hoping to undercut the draft. Some men simply avoided the authorities attempting to evade the draft calls.<sup>32</sup>

Overall, conscription was one of the most unpopular and divisive pieces of legislation in the Confederacy, particularly after September and October of 1862, when the Confederate Congress extended the age limit to forty-five and granted an exemption of one white man per plantation with a slave population of more than twenty. This prompted the time-honored, resentful phrase, “A rich man’s war but a poor man’s fight.”<sup>33</sup>

The first piece of legislation in the North concerning conscription was a militia quota in 1862. Under the terms of this statute, President Abraham Lincoln could call up the state militias for federal service for a time not exceeding nine months of service. By 1862, the initial surge of volunteering wavered and the North faced a shortage of men needed to fight a much longer war than anticipated. While this act established legislation

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<sup>32</sup>Geary, 3-5; McPherson, 431-432; and Moore, 15-16.

<sup>33</sup>McPherson, 431-432, 611-612.

that constituted a draft of sorts, the reasoning behind it was to improve recruitment and increase the numbers of volunteers. It was not a national draft in the same manner as the one adopted by the Confederacy in the same year. It was successful as the numbers of volunteers did increase. There were areas, though, where volunteering did not meet the quotas, and the federal government used the draft to fill the ranks. In addition, there were violent protests against it in eastern Pennsylvania, Ohio, Indiana, and Wisconsin.<sup>34</sup>

The first complete form of conscription in the North came in 1863 with the Enrollment Act, passed in March. By this time, the pool of men who volunteered out of patriotic fervor, a sense of adventure, or a sense of duty were already in the service, and recruitment numbers dropped. Now, the control of recruitment moved to the national level, establishing an important precedent that continued through to the twentieth century. The harsh realities of the Civil War battlefield and a bustling wartime economy meant that most men had jobs, and few wanted to fight in the army. As was the case with the earlier militia draft, this was an attempt by the North to prod people into volunteering. In actuality, the North drafted few men under the Enrollment Act. It covered all male citizens and immigrants who applied for citizenship from the ages of twenty to forty-five. It exempted men if they were unfit mentally or physically or had dependents for which they were the only source of support. If they did not qualify for exemption under these tenets, they could still pay a fee of three hundred dollars or sign up a replacement to

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<sup>34</sup>McPherson, 492-494; and Eugene C. Murdock, *One Million Men: The Civil War Draft in the North* (Madison: The State Historical Society of Wisconsin, 1971), 6.

avoid military service. Of the 207,000 men drafted, only 46,000 ended up serving in the army, with the rest hiring a substitute or paying the commutation fee.<sup>35</sup>

Numerous problems and inconsistencies plagued the draft in the Civil War. As esteemed Civil War historian James McPherson writes, conscription in the Civil War was meant to increase the numbers of volunteers by threat of a draft and “[a]s such it worked, but with such inefficiency, corruption, and perceived injustice that it became one of the most divisive issues of the war and served as a model of how *not* to conduct a draft in future wars.”<sup>36</sup> One need only look to the New York City Draft Riots of 1863 to see just how unpopular and divisive the issue could be. Corruption was rampant among local officials, who sought to pad their numbers and gain pay while making lackadaisical effort. Men could bribe physicians, provide falsified documents claiming dependent exemption, or fake afflictions that would give them an exemption. The practice of hiring substitutes caused considerable consternation in some circles, yet this had been a long-standing precedent reaching back to the colonial era. Many men became bounty jumpers, taking the substitution payment, joining the army, then deserting and going through the process many times over. The fact that many of the substitutes kept deserting and re-joining meant that they did little actual fighting, providing an insignificant contribution to the Northern war effort. Furthermore, the commutation fee became the target of visceral hatred, because it evoked an image of the poor fighting for the rich. Though McPherson and Eugene Murdock, a Civil War draft historian, challenge the actual class distinctions

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<sup>35</sup>McPherson, 600-601; and Murdock, 4-7.

<sup>36</sup>McPherson, 600.



in the Northern draft, the issue was so unpopular that Congress ended the commutation fee in July 1864.<sup>37</sup>

Viewing the draft as an instrument of gaining manpower through its own legislation is problematic when examining the Civil War. Conscription acts during the Civil War were never meant to fill the ranks of the army with draftees. Instead, those acts were a means of encouraging volunteering through negative reinforcement. As McPherson points out in his discussions of conscription during the Civil War, it was a ham-fisted “carrot and stick” approach to improving recruitment and volunteering.<sup>38</sup>

This is the overwhelming theme in the scholarship on the draft in the North. Murdock, author of *One Million Men: The Civil War Draft in the North*, argues that the Northern draft was a “semidraft,” and its main goal was to encourage men to volunteer. Although that was its purpose, some unscrupulous practices appeared, such as bounty jumping and deserting.<sup>39</sup> Overall, only seven percent of men drafted actually put on a uniform in the North. Totalling all of the Northern draft calls, 46,000 men went to war as draftees, and 74,000 hired substitutes, while 800,000 volunteered. Therefore, the draft in the Civil War did what it was intended to do: encourage voluntary enlistments, a sentiment echoed by James W. Geary’s study of the Union draft, *We Need Men*. He writes,

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<sup>37</sup>McPherson, 603-606; Murdock, 199-201. The challenges differ for each author. McPherson states that the differences between class and service (at least in New York and Ohio) were not all that profound while Murdock asserts that the entire idea of commutation was to keep substitution prices low as a favor to poorer classes.

<sup>38</sup>McPherson, 432, 492, 605.

<sup>39</sup>Murdock, x-xi.

The fact that only 3.67 percent of the troops were federal conscripts does not fully reveal the extent to which the draft sustained the Union army, despite bounty jumpers, substitute brokers, paper credits, and deserters. In conjunction with bounties, it stimulated – some might say forced – communities to fill quotas when patriotism began to wane in the last two years of the war. Further, it encouraged another 118,010 Union men to furnish substitutes. When these men are added to the number of conscripts, the federal draft was directly responsible for 13.02 percent of the troops raised from March 1863 – April 1865.<sup>40</sup>

Also of profound importance was that the national draft in the Civil War established the precedent of the federal government demanding military service in wartime, further defining the role of federal power in the U.S. political system.<sup>41</sup> In terms of manpower procurement, the draft in the Civil War was an excellent example of what worked and what did not, providing an important reference point for those who implemented national conscription with the Selective Service in 1917.

During the Civil War, once again the Historic Peace Churches made up the central population of COs.<sup>42</sup> The Quaker experience is the most enlightening for several reasons. They were the largest of the Historic Peace Churches in the United States. They were more active in the society as a whole. They kept better records from which we can study their actions. What is more, they had the most distinctive stance because they still claimed the absolutist stance and refused to pay the commutation fees or hire substitutes, though they were changing.<sup>43</sup> The morality of the Civil War was an issue for objectors

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<sup>40</sup>Geary, 173-174.

<sup>41</sup>*Ibid.*, 174.

<sup>42</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 30.

<sup>43</sup>Edward Needles Wright, *Conscientious Objectors in the Civil War* (New York: A.S. Barnes and Co., 1931; reprint, 1961), 4-5.

since many of them were active in the Abolitionist Movement. Serving in a war to end slavery (after the Emancipation Proclamation in 1862) presented a profound moral dilemma for those objectors who despised the peculiar institution. A number of men from the Historic Peace Churches did sign up to fight and faced punishment from their local congregations or meetings.<sup>44</sup>

Both President Lincoln and Secretary of War Edwin Stanton possessed somewhat of a sympathetic view toward conscientious objection. They freed most COs from prison if they had knowledge of them.<sup>45</sup> Lincoln had an understanding of their position, and there was a mutual respect between the Friends and Lincoln. However, Lincoln did not go much further than having personal views on the matter, because he did not push for Congress to pass legislation protecting conscientious objectors. Stanton's views were similar to Lincoln's in his sympathy for COs. He even ordered three drafted Quakers to be released in October 1862 with no fine or penalty. In December 1863, he ordered that all conscientious objectors forced into the military and detained to be paroled until explicitly recalled by the federal government. He also attempted (at the request of the Provost Marshal General James B. Fry through a report) to gain commutation fee exemptions and other pro-CO legislation in the latter parts of 1863 and into early 1864. The Northern Congress possessed sympathetic elements toward COs, though this was by

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<sup>44</sup>Brock, *Liberty and Conscience*, 113.

<sup>45</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 31.

no means a universal inclination.<sup>46</sup> Stanton also persuaded Congress to allow for alternative service in military hospitals or helping freed slaves. COs could also pay the three hundred dollar fee into a fund for “sick and wounded soldiers,” but when some of the objectors balked at this arrangement, Stanton relented and ordered that all absolutist COs should be paroled.<sup>47</sup>

The exemptions in the Northern draft law were not necessarily satisfactory for the Peace Churches. The Quakers, though more willing than in the past to pay a commutation fee, did not agree with the lack of legal differentiation between those who paid a fee based on conscience and those who merely wished to avoid service. The Mennonites and the Brethren, given their overwhelmingly rural population, objected to the high price because few of their members would be able to afford it. Stanton’s actions liberalized the 1864 provisions for COs, but the tension was still there.<sup>48</sup>

The discussion of conscientious objection in the South is a bit thinner because the records do not discuss the matter in as great detail as Northern records, nor were the records well preserved. Furthermore, COs in the South did not have as much interaction with their government as COs in the North. One area that presented a problem for COs was the attitude of Confederate President Jefferson Davis. He relegated all matters of conscientious objections to his assistants and did not discuss his personal views on the matter to the level that Lincoln did. Davis told a group of Quakers visiting him in 1862

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<sup>46</sup>Wright, 71-72, 121-129, 131-138.

<sup>47</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 31.

<sup>48</sup>Brock, *Liberty and Conscience*, 114.

that he was disheartened to discover that there were people in the Confederacy who were not willing to defend or fight for their country and, if necessary, die for it.<sup>49</sup> From Davis's viewpoint, this is an understandable reaction, as he had an extensive background in military affairs.<sup>50</sup>

COs in the South faced more difficulty than in the North because most of them were opponents of slavery. There were a number of officials who sympathized with their stance (particularly Assistant Secretary of War John Campbell), and those officials fought to gain exemptions for the COs acceptable to the objectors, but for the first eighteen months of the Confederate draft, the only way to avoid military service was through occupational deferments or hiring a substitute. The Historic Peace Churches detested hiring substitutes and, given the skyrocketing price of substitution in the South, most of the Peace Church members could not afford them.<sup>51</sup>

Eventually, the government officials with the authority to do something about conscientious objectors came to the conclusion that the limited exemptions for COs worked reasonably well given that the Peace Churches were small and did not threaten

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<sup>49</sup>Wright, 138-139.

<sup>50</sup>Davis was a graduate of West Point, served in the Mexican War, and was the Secretary of War under President Franklin Pierce. Although Lincoln also had military experience, it was only briefly as an officer in the Illinois militia during the Black Hawk War and he never saw combat.

<sup>51</sup>Brock, *Liberty and Conscience*, 113-114.

the war-making capability of the state. This was also a sentiment echoed by some of the military brass, such as Thomas “Stonewall” Jackson of the Confederate Army.<sup>52</sup>

If the Civil War established what not to do in administering a national draft, the First World War established what not to do with conscientious objectors. The treatment of COs in World War I was reprehensible at best and bordered on torture at worst.

Though there were definite abuses of COs during this time, much of what happened came about as a result of inexperience both on the part of the federal government and the Historic Peace Churches.

The involvement of the United States in the First World War produced many changes at home for Americans. One of these changes was an increased federal presence that managed production, procurement, and other elements that went into fighting a modern, industrial war. The strong federal state that typified the governmental structure of the United States during both world wars was, in John Whiteclay Chambers’s words, “... created by a desire for efficient coordination and legitimated by popular consciousness and a sense of political participation by and benefit to the citizenry.”<sup>53</sup> A legitimated state, such as the one that emerged in the United States out of the Progressive Era, coupled with the rising tide of nationalism in the United States created the conditions for conscription administered by the federal government. Beyond that social dynamic, the federal government also allowed for some measure of local control with local draft boards. This provided a seemingly decentralized structure that played to the sympathies

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<sup>52</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 31.

<sup>53</sup>Chambers, *To Raise an Army*, 11.

of the American citizenry, while the federal government could maintain control over a system pivotal to any chance of success on the battlefields of Europe in 1917. The emergence of a strong federal state and the changes brought by World War I created the conditions for a nationwide draft that would be reluctantly accepted, though not celebrated, by a majority of the American people.<sup>54</sup>

This description of the years leading up to and including World War I begs the question, “What does this have to do with conscientious objection and the two World Wars?” In a word: everything. The rising tide of nationalism in America, the need for large numbers of able-bodied men, and the increasing power of the state made it much more difficult to be a CO than in the previous wars of America. To be a CO during a period of nationalistic-fueled wartime patriotism was to be labeled a traitor or a coward. Now that the draft was completely a federal endeavor meant to raise troops (rather than encourage enlistment) with no provisions for substitution or commutation, COs faced a new set of circumstances. Granted, the objectors were of such a small number that replacements could easily be found, but that did not lessen the hardships faced by COs, nor did it lessen the hostility they faced from certain sectors of American society.

As the cataclysm of World War I saw the nations of Europe systematically destroying each other, the federal government of the United States faced a predicament. Throughout the years 1914 - 1917, the United States remained officially neutral, though it sent supplies across the Atlantic to the Allied Powers. This “neutrality” eventually

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<sup>54</sup>*Ibid.*

morphed into a general declaration of war against the Central Powers, of which Germany was the most prominent. As described in detail earlier, the United States had reached a point where a massive industrial army could be conscripted, trained, and sent to fight, but it took time, and no Americans had any experience raising an army under the present circumstances. Neither the military nor industry was large enough to fight at the onset of U.S. participation. As esteemed military historian Allan Millett argues, creating a modern army and placing it on the moonscapes of the Western Front where it would face off directly against the Prussian military tradition of the German Army was no small task: “[American President Woodrow] Wilson and his advisers did not misunderstand the implications of this commitment: the United States would have to form a mass army virtually from scratch and send it into a type of warfare breathtaking in its complexity and scope.”<sup>55</sup>

In the form that it eventually took, with General Enoch Crowder as the Director of the Selective Service and four thousand draft boards administering policy at the local level, the Selective Service Act of 1917 registered 23.9 million men between the ages of eighteen and forty-five. Of those registered, 2.8 million found themselves wearing a military uniform by the end of the war. All told, the U.S. Army of 3.5 million soldiers that went to the Western Front in Europe had seventy-five percent of its numbers conscripted. However, the Selective Service Act allowed for a number of deferments. Men who held important jobs in industry or agriculture could be exempted from service.

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<sup>55</sup>Allan R. Millett, "Over Where? The AEF and the American Strategy for Victory, 1917-1918," in *Against All Enemies: Interpretations of American Military History from Colonial Times to the Present*, ed. Kenneth J. Hagan and William R. Roberts (Westport, CT: Greenwood Press, 1986), 235.



Another group that could be exempted, though their position was much more tenuous, was conscientious objectors. Under the provisions of the draft, about 64,700 men claimed to be COs, though nowhere near that many actually received the status.<sup>56</sup> One of the overarching themes throughout all of this was fear in the federal government of the perceived inequity of conscription. Even the perception of certain groups being favored could produce a fair amount of backlash among the general public. For that reason, the eventual exemption for COs was initially limited to the Historic Peace Churches.<sup>57</sup>

The Selective Service Act of 1917 did have a distinct clause that allowed for conscientious objection. It read as follows:

... nothing in this act contained shall be construed or compel any person to serve in any of the forces herein provided for, who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations; but no person so exempted shall be exempted from service in any capacity that the President shall declare to be non-combatant....<sup>58</sup>

As it read, the CO provision in the Act was problematic for the peace churches. By not allowing for any religious objector to serve in any role other than as a noncombatant (meaning support roles that did not carry weapons, such as medics), the federal government excluded and infuriated the absolutists. The absolutists did not wish to serve

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<sup>56</sup>John Whiteclay Chambers II, "Conscription," in *The Oxford Companion to American Military History*, ed. John Whiteclay Chambers II (New York: Oxford University Press, 1999), 181.

<sup>57</sup>Chambers, *To Raise an Army*, 215.

<sup>58</sup>*Army Emergency Increase, Statutes at Large* 40 Part 1, 78 (1917). This statute is collectively referred to as the Selective Service Act of 1917.

the government or military in any capacity, and noncombatancy did not mesh with an absolutist belief structure.<sup>59</sup>

What the wording of the Act meant was that COs would be subjected to military authority. On April 12, 1917, Mennonite representatives went to Washington with the intent of trying to get COs completely exempted from military authority. On that same day, Lilian Wald, Jane Addams, and Norman Thomas, three prominent pacifists, appealed to Secretary of War Newton Baker to allow for the absolutists to be exempt. Although Baker heard their appeals, their efforts were to no avail as Baker, President Woodrow Wilson, and members of Congress did not institute exemption or alternative service. They only supported noncombatancy. On August 8, the government announced that all who had been drafted were required to report at the times established by their local draft board, and on August 11 it announced that COs had to report to the military camps, firmly establishing military authority over COs.<sup>60</sup>

One of the many problems with the government's policies towards COs was the ambiguous instruction the draft boards received pertaining to what constituted a Peace Church (referring to the "religious sect or organization" language). Because of the lack of communication within that realm, local draft boards tended to be quite arbitrary in granting the CO status. The Selective Service simply failed to inform the local draft boards at all in regards to the nature of the peace churches.<sup>61</sup> Additionally, the fractured

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<sup>59</sup>Keim and Stoltzfus, *The Politics of Conscience*, 36.

<sup>60</sup>*Ibid.*, 36-38, 41.

<sup>61</sup>Chambers, *To Raise an Army*, 215.

nature of the peace church denominations made it very difficult for the draft boards. Take, for example, the Mennonites. “Mennonite” is a denominational term that covers all of the various groups in the Mennonite tradition. Yet, the number of groups involved could make a draft board member’s head spin. Various names of Mennonite groups are the Evangelical Mennonite Conference, the Conservative Mennonite Conference, the Fellowship of Evangelical Bible Churches, the General Conference Mennonite Church, the Mennonite Church, the Old Order Mennonite Church, and the Church of God in Christ - Mennonite, which illustrates just how confusing denominations could be for a person sitting on a draft board who may or may not have been familiar with the term “Mennonite.”

Another problem faced by COs was the lack of alternative service or specific definitions of noncombatancy. Many months went by before Wilson addressed the issue. About twenty thousand COs who had already received their official CO classification had been inducted and reported to training camps in the interim, until the government decided what it should do with the objectors.<sup>62</sup> While the men were not executed for refusing to serve, the placing of COs in military camps turned out to be one of the worst things the government could have done.

As historian David Kennedy writes, placing COs into military camps “was undoubtedly the most callous feature of the government’s policy.” The government ordered that COs be separated from the rest of the camp’s population and advised in the importance of serving in the armed forces, hoping they would cease their objection to

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<sup>62</sup>David Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 1980), 163.

government authority and military service. From the point of view of the government, this policy was successful, as only four thousand COs refused to take up arms throughout American participation in the war. The War Department ordered that officers give the COs “kindly consideration” in their attempts to get COs to change their mind, but in practice that consideration did not always happen. Many of the objectors were the subject of taunting, teasing, public humiliation, and hazing in the hope that they would take up arms to fight for the flag.<sup>63</sup>

However, the treatment of the COs in the camps varied from base to base. At Camp Upton, New York, Major General J. Franklin Bell was somewhat liberal in his treatment of the COs under his command. He did, though, convince a large majority of the men to renounce their objection and take up arms. The case was not the same at Camp Funston, Kansas, under the command of Major General Leonard Wood, who went on record as saying that conscientious objectors were “... enemies of the Republic, fakers, and active agents of the enemy...” His observations and temperament towards COs undoubtedly led to the deplorable conditions at Camp Funston, in which upwards of seventeen COs died as a result of their treatment.<sup>64</sup>

It is not difficult to see the inherent problems in placing the objectors in military camps. Aside from the desire of the COs not to be there, their separation immediately labeled them as “different,” and once other conscripts learned just who those separated men were, the COs were the subject of much anger and ridicule at the hands of many

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<sup>63</sup>*Ibid.*

<sup>64</sup>Chambers, *To Raise an Army*, 216. Wood is quoted in Chambers.

enlisted men. Simply stated, conscientious objection was definitely not popular, and placing the objectors in the camps only exacerbated tension with those who had to pick up a rifle and fight. Although Secretary Baker eventually redefined the CO exemption to allow for non-religious conscientious objection, he did not allow for alternative service, which would have avoided headaches for the government in dealing with those who refused to serve at all based on religious principles.<sup>65</sup>

It was not until March 1918 that President Wilson, after considerable lobbying by the Civil Liberties Bureau to the War Department, outlined the policy for noncombatant service that the Selective Service Act had called for almost a year earlier. Under this policy, conscientious objectors could serve in the Medical, Quartermaster, or Engineering Corps instead of fighting. However, those already inducted and in the camps had to face a federal Board of Inquiry that determined the validity of their beliefs. Although that board was not sympathetic to the plight of the COs, and it ridiculed many men who stood before it, it did affirm the CO status of a large portion of those who still held firm to their beliefs.<sup>66</sup> There was also a farm furlough plan implemented at about the same time for absolutists (who were to serve without pay), but it still fell under military control, making it problematic for the Peace Churches.<sup>67</sup>

Although the federal government now had a policy that specifically defined the work COs could do under the aegis of noncombatancy, a major problem still remained:

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<sup>65</sup>*Ibid.*, 217.

<sup>66</sup>Kennedy, 164.

<sup>67</sup>Keim and Stoltzfus, *The Politics of Conscience*, 49-54.

the absolutists. The men who refused to submit to any governmental or military authority faced a court martial. Before the 1918 reforms, forty objectors received a court martial much to the consternation of the Civil Liberties Bureau. The court found almost all of the men guilty and sentenced them to federal prison in military penitentiaries, such as Alcatraz or Leavenworth. Their treatment at these facilities was by no mean exemplary or compassionate. Guards chained most of the COs to the bars or grates in their cells for eight hours a day. At least one CO in Alcatraz died of pneumonia when he refused to wear a military uniform and was kept in solitary confinement until he reneged. As a final insult, the army sent his body home to his family in military uniform.<sup>68</sup>

The final numbers for the COs during World War I are as follows: sixty-four thousand, seven hundred men filed for CO status, and of those, the draft boards granted the status to 56,800 men. Ultimately, the army drafted 20,873 of those COs, and 16,000 renounced their objection and chose to take up arms. Of the remaining objectors, 1,300 chose noncombatant service, and another 1,300 managed to gain an off-base civilian work assignment in one form or another. Nine hundred and forty COs remained in the camps for the rest of the war, and 450 went to federal prison for refusing to serve.<sup>69</sup>

The main problem with the federal government's policy towards conscientious objection during World War I was one of inexperience, though there were men like Leonard Wood who had no sympathy whatsoever for COs. As Chambers and Millett both note, the United States did not need to raise an army of this size prior to the First

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<sup>68</sup>Kennedy, 164-165, 165n.

<sup>69</sup>Chambers, *To Raise an Army*, 216-217.

World War. That meant the administrative bodies used trial-and-error methods, which led to a lengthy process for solving glaring problems. Granted, some hostility toward COs and a lack of understanding existed, but the federal government had also never previously dealt with COs this extensively. This is what makes Hershey and World War II so important. Not only was he sympathetic to the CO, but he also sought to learn from and avoid the mistakes of World War II. In particular, this meant keeping men who objected to military service out of the armed forces and providing them with an alternative form of fulfilling their obligation.

The Historic Peace Churches' experience during World War I also requires some explanation. Keim and Stoltzfus point to the lack of centralization within the churches, which contributed to the lack of a coordinated lobby from the churches themselves. Because of this, they did not really possess a comprehensive stance toward conscription as a unified body, preferring to approach the matter singularly and leave the choices up to the members who were eligible to be drafted. The lack of a definitive code of behavior from the churches for the COs also led to much confusion and frustration. A quote from one of the objectors stationed at Camp Funston illustrates this. When asked by his superiors in the military what he could and could not do, he replied, "We don't know how far to go because our church hasn't defined our privilege."<sup>70</sup> Both the government and the Peace Churches failed in their efforts to provide adequate programs or present a clear stance on the issue. A failure to communicate effectively and the lack of experience in

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<sup>70</sup>Keim and Stoltzfus, *The Politics of Conscience*, 40-41.

dealing with conscientious objection at the federal level are what led to the poor treatment of COs and the lack of explicit legal definitions for objectors during World War I.

Because of a hostile Congress and an American public that rejected the idea of conscription, the military did not push for draft legislation between the wars until after World War II had begun in Europe. Though not popular in the government or the American public, the army began to prepare for a draft administered by the Selective Service during the interwar period. It drafted legislation to present to Congress when it would be feasible and trained a few hundred officers as “selective service specialists” to provide a draft infrastructure when the need arose. This began with the creation of the Joint Army and Navy Selective Service Committee, founded in 1926. It was with this body that Lewis Hershey, then a major, became involved in matters of conscription and the American citizen when he received an appointment as the secretary of the Committee in 1936.<sup>71</sup>

By 1940, it had become clear that the United States needed to bolster its armed services, given the events in East Asia and Europe. Although the War Department did not support it, President Franklin Roosevelt and Congress believed that manpower mobilization was necessary to alert Americans that U.S. participation in a second global conflict was a distinct possibility. The War Department did not support the idea because there were not enough regulars or equipment to mobilize on the scale envisioned. Yet through the incorporation of 300,000 National Guardsmen and another 600,000 draftees

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<sup>71</sup>Chambers, *To Raise an Army*, 249-250.



from the passage of the Selective Training and Service Act of 1940, along with officers from the reserves and new volunteers, the U.S. Army's manpower swelled to 1.2 million in mid-1941.<sup>72</sup> War clouds were on the horizon, and the U.S. was preparing, though it would not be at nearly the level it needed to be when Japanese planes attacked the U.S. Pacific Fleet at anchor in Pearl Harbor on December 7.

A number of geographic and economic factors helped to shape how the United States fought World War II. At the core of the American experience in the war was industrial production. The United States was in a unique position. It was far removed from the threats of invasion or strategic bombing. This meant that American industry could produce war materiel without the threat of enemy bombing or attack (with the exception of the Battle of the Atlantic and shipping losses). It also had a self-sufficient economy, meaning that everything needed for industrial production existed within U.S. borders. Because of its distance from the fighting and the capability to produce unparalleled amounts of war materiel, the United States could afford to expend machines rather than men.<sup>73</sup>

This industrial and geographical dynamic allowed for the United States Army to wage war with the "ninety division gamble." The army planners initially thought they needed two hundred divisions, but General George C. Marshall, Roosevelt, and his cabinet whittled this number down throughout the war until it shrank to a goal of one hundred, which was never reached. The idea that a ninety-division army would defeat

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<sup>72</sup>Millett and Maslowski, 416.

<sup>73</sup>David Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 1999), 617-619.

Japan and Germany may have seemed shortsighted, but there were other circumstances that led the United States to field a smaller army.<sup>74</sup> There was a general understanding between the Allies that the greatest asset of the United States was its capacity for industrial production. During the war it became apparent that there was no way to get to two hundred divisions with the needs of U.S. industry and the other armed services and the need for support troops within the army. All told, the U.S. ended up raising eighty-nine army divisions. Because of American air and sea power, coupled with the size and might of the Soviet Army that was pushing back Germany, the U.S. did not need a massive army, but its total still paled in comparison to the three-hundred-division German Army. As it was, the American Army still could have used more men. Part of the reason for the shortage was the desire to have the American soldier serve under relatively comfortable conditions. As esteemed American military historian Russell Weigley writes,

Making allowances for the proportionately lesser need for combat soldiers owing to mechanization, the conclusion seems inescapable that the effort to maintain an approximation of the American standard of living in the Army and even in the combat zones diverted an excessive amount of manpower away from the essential combat units of the Army. On one hand, the War Department and the General Staff very nicely calculated and mobilized nearly the precise number of combat troops needed to win the war. On the other hand, it might have been better – if a way could have been found – to pay more heed to the maxim that in war not economy but an excess of means is desirable.<sup>75</sup>

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<sup>74</sup>Kennedy, 631; and James L. Stokesbury, "The U.S. Army and Coalition Warfare, 1941-1945," in *Against All Enemies: Interpretations of American Military History from Colonial Times to the Present*, ed. Kenneth J. Hagan and William R. Roberts (New York: Greenwood Press, 1986), 281.

<sup>75</sup>Russell F. Weigley, *History of the United States Army* (New York: The Macmillan Company, 1967), 438-440. See also Maurice Matloff, "The 90-Division

The army of World War II was not a lean and trim fighting force. But the number of divisions also suffered from the needs of industry and agriculture on the home front, a dynamic to be discussed momentarily.

The three main allies in the war each played a distinct role in defeating the Axis powers. Great Britain stood alone in late 1940 and early 1941, refusing to capitulate and later served as a staging area for the invasion of France. The Soviet Union bore the brunt of ground combat and defeated the German Army. Over all of this, the United States was the arsenal of the Allies. To play this role effectively, the United States had to produce materiel on an unprecedented scale. Not only did it produce massive numbers of planes, tanks, trucks, and amounts of fuel, it also manufactured medicine, communication devices, electronic countermeasure systems like radar and sonar, navigational equipment, and countless other items used to fight the war. The geographic isolation of the United States also presented a problem. Vast amounts of tonnage to ferry the goods across the Atlantic and Pacific Oceans to the theaters of combat were necessary. If this was to be a war of machines, there needed to be a system in place that shipped the machinery of war. Until 1943, building a merchant marine and anti-submarine escorts was the highest priority for U.S. industry. In response, the Kaiser shipyards on the west coast and Henry Kaiser's methods of modular construction reduced by remarkable amounts the construction times for liberty ships and victory ships.<sup>76</sup>

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Gamble," in *Command Decisions*, ed. Kent Roberts Greenfield (Washington, D.C.: Center of Military History, 1960; reprint, 1984).

<sup>76</sup>Allan R. Millett and Williamson Murray, *A War to Be Won: Fighting the Second World War* (Cambridge, MA: Belknap Press, 2000), 533-537.

Overall, this industrial dynamic required a large number of people to staff the factories that produced these goods. The draft in World War II was not one of complete and total conscription, hence the term Selective Service. One of the largest problems faced by the United States was balancing the manpower needs of industry with the manpower needs of the armed forces. The Selective Service was to choose, or “select,” the men best suited to serve in the armed forces without disrupting industrial or agricultural production. Its goal is apparent on the headlining banner of its monthly newsletter, *Selective Service*. The artwork of the banner consists of a citizen plowing his fields, three men in military uniform bearing the flag, and a machinist at work.

To defeat the massive industrialized might of Germany and fight Japan at the same time, the U.S. needed to strike a delicate balance between the number of men it could put in the field, at sea, and in the air while being able to ramp up industrial production to the levels it needed for itself and the other Allies. However, at the beginning of 1941 it was becoming painfully apparent that the draft affected industrial production. There was, of course, consideration given to the industrial situation, but in practice, the government was more concerned about not disrupting the American family more than the American factory. The local draft boards did not want Washington interfering in their deferments for individuals, and from the industrial side, managers sought to protect their entire workforce, and organized labor did not support conscription. There were also threats of drafting workers who went out on strike, something supported by Secretary of War Henry Stimson. However, both Hershey and President Roosevelt disliked the idea of using the draft for industrial manpower management, though local draft boards continued to use the draft as a threat to striking workers throughout the

war.<sup>77</sup> Therefore, the draft was not to be used as a dictatorial force for industrial control. Congress did not support a law that decreed national control of the economy through federal manpower planning, that is, having men drafted into specific jobs and being forced to work there. Another reason that this did not happen was the rejection rate of the draft. Overall, forty-seven percent of industrial workers received a IV-F classification and returned to their jobs without having to worry about military service.<sup>78</sup>

Therefore, this was the dynamic at the feet of Hershey, the Selective Service, and the Peace Churches at the beginning of World War II. The history of conscientious objection up to the Second World War reveals that there was no systematic precedent for dealing with COs at the national level. It is for that reason that Hershey's actions and support during World War II were so critical and represented such a watershed. Hershey was sympathetic to the CO and wanted to avoid the mistakes of previous wars, particularly World War I. Thus, the Second World War was really the pivotal point for the relationship of the CO to the state in American history. It firmly established alternative service as the apparatus that provided for conscientious objection in the United States. In doing so, it further defined the concept of the citizen soldier by outlining the duty of all eligible men to serve. The recent history of World War I made it clear that alternative service was necessary to provide for conscience. How that tale unfolded is the subject of the rest of this study.

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<sup>77</sup>Flynn, *The Draft*, 35-38.

<sup>78</sup>*Ibid.*, 80.

## CHAPTER 5 – THE EARLY AGENTS OF OBJECTION AND CONSCRIPTION: THE HISTORIC PEACE CHURCHES, THE INTERWAR YEARS, AND THE SELECTIVE TRAINING AND SERVICE ACT OF 1940

Prior to the passage of the Selective Service Act in September of 1940, the various entities involved in the provisions for conscientious objection began to mobilize for the possibility of conscription. The efforts of the Historic Peace Churches were the most prevalent during this time as peace and nonresistance was a central feature of their doctrine and identity. However, secular groups, such as Congress and the Joint Army Navy Selective Service Committee, operated in ways that affected conscientious objection once conscription became law in the United States. Though the issue eventually ran through General Hershey, the legislation for conscientious objection in the Selective Service Act was the result of a multifaceted effort on the part of the Historic Peace Churches, the American Civil Liberties Union, Congress, and the War Department. During his congressional testimony as a member of JANSSC, Hershey revealed his tolerant attitude and once the federal government established the Selective Service, his belief structure had far-reaching consequences throughout the war. It was at this time that Hershey began to stand in opposition to some members of the military and the

federal government as there were some who did not believe in providing legislation for conscientious objection. In stark contrast to some of his colleagues, Hershey called for considerate provisions that protected conscience in the face of conscription, illustrating his sympathy for the plight of the sincere conscientious objector in American society.

Due to the importance of the Historic Peace Churches in the development of CO legislation in 1940, this chapter requires a background of their experience and beliefs. First, because of the centrality of nonresistance to the doctrine of the Historic Peace Churches, a definition of the term along with how it is separate from pacifism is necessary. Based on the biblical principle of separation from worldly evils, nonresistance holds that violent actions by Christians are prohibited. It is based on numerous passages in the New Testament, particularly Jesus' Sermon on the Mount.<sup>1</sup> The idea of Christians separating from the world around them is an important facet of the Historic Peace Churches, mainly among the Mennonites and the Brethren. The simplest way to describe it is that Christians should live in the world, but not be of the world. The Society of Friends, on the other hand, has been much more socially active, operating in the world around them to achieve social and political change.

There is a distinct difference between nonresistance and pacifism. As a member of the church put it, pacifism is "a societal technique prudentially calculated to resolve conflict situations ... it becomes a means of manipulating society." Nonresistance is more of an all-encompassing interpretation that, in the words of Brethren scholar Dale Stoffer, "refers more broadly to a lifestyle of defenseless love in the face of evil ... rooted

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<sup>1</sup>Herman Hoyt, "Nonresistance," in *War: Four Christian Views*, ed. Robert Clouse (Downers Grove, IL: InterVarsity, 1981; reprint, 1991), 32-34.

in Jesus' own teachings and example."<sup>2</sup> Christian pacifism, though, is more in tune with the Quaker peace witness throughout their history. As described by religious scholar Myron Augsburger, Christian pacifism is an "evangelical and biblical" peace witness that promotes "... living by the way of love, a spirit of brotherhood and reverence for life." As he writes, "Ours is to be an active penetration into society with the redeeming love of God." Christian pacifism, though similar to nonresistance, differs in that it calls for a more active participation in the world than do those who adhere to the strictest of nonresistant beliefs.<sup>3</sup>

The oldest portion of the Historic Peace Churches has its roots in Anabaptism. According to church historian William R. Estep, Anabaptism originated in Zurich, Switzerland beginning in 1525 in reaction to Ulrich Zwingli's Reformation in that canton.<sup>4</sup> Anabaptism is best described as one of the largest parts of the Radical Reformation, with Martin Luther and John Calvin's followers making up the larger mainstream Protestant Reformation. In what became one of the core practices of the Anabaptists, disagreements over the rights of baptism began to emerge between Conrad Grebel and Zwingli from 1522 to 1525. Grebel, a student of Zwingli with humanist leanings, did not agree with Zwingli concerning the nature of baptism in the Bible. Grebel claimed to find there was no scriptural basis for the baptism of infants. The two

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<sup>2</sup>Dale Stoffer, "Beliefs," in *Church of the Brethren: Yesterday and Today*, ed. Donald Durnbaugh (Elgin, IL: Brethren Press, 1986), 50-51.

<sup>3</sup>Myron Augsburger, "Christian Pacifism," in *War: Four Christian Views*, ed. Robert Clouse (Downers Grove, IL: InterVarsity Press, 1981; reprint, 1991), 86-91.

<sup>4</sup>William Estep, *The Anabaptist Story: An Introduction to Sixteenth-Century Anabaptism* (Grand Rapids, MI: William B. Eerdmans Publishing, 1996), 11-15.



men came to disagree vehemently, and that split led to Grebel becoming the earliest Anabaptist leader. Grebel's importance to the early movement is undeniable due to what Anabaptist scholar Estep terms "a crusading zeal that knew no rest until his death."<sup>5</sup> His leadership was short-lived, though, as he died just a year and a half after performing his initial baptisms.<sup>6</sup>

However, one of the distinguishing points of Anabaptism was its lack of a singular scholar or leader whom the entire movement followed. Minor differences in biblical and theological interpretation marked Anabaptism and made it distinct from other groups in the Protestant Reformation. Lutherans had Martin Luther and Calvinists had John Calvin, but early Anabaptists had no such singular, dynamic leader. That came later with men whose sects organized under their leadership, such as Menno Simons, Jacob Ammann, and Jacob Hutter. The closest person that the early Anabaptists had to a singular leader was probably Grebel. However, there were a large number of other evangelizers, preachers, and writers whose work directly contributed to the growth and spread of Anabaptism throughout Europe. An incomplete list includes Felix Manz, Michael Sattler, and Balthasar Hubmaier, all of whom died for their Anabaptist beliefs and actions, making them the earliest Anabaptist martyrs, of which there would be many more.<sup>7</sup>

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<sup>5</sup>*Ibid.*, 30.

<sup>6</sup>*Ibid.*, 13-21, 30-43.

<sup>7</sup>Harold S. Bender, "Mennonite Origins and the Mennonites of Europe," in *Mennonites and Their Heritage: A Handbook of Mennonite History and Beliefs* (Scottsdale, PA: Herald Press, 1942; reprint, 1973), 25-30; and Estep, *passim*.

It bears mentioning that the Anabaptists are a difficult group to typify. There were only a few points on which all Anabaptists agreed and, indeed, one of the identifying features of the movement was its splintered nature. The central belief of the Anabaptists was that they sought to restore “the true church” of the New Testament, making them restorationists. For them, the New Testament was the primary authority, and they believed that established state churches had lost their way, focusing too much on human doctrine and church hierarchy. Instead, the scriptures and the teachings of Jesus should be the focal points and from these, they sought to build the true church.<sup>8</sup>

Another unifying belief amongst the Anabaptists was the brotherhood of all believers. That belief is tied to adult baptism. Anabaptists viewed baptism as an adult choice to be made by those who wished to accept Christ as their savior. In their minds, children were protected until they reached an age where they could choose to accept Christ and be baptized. Baptism was the public act of acknowledging their faith and was an adult’s choice to make, not something to be done at an age when the person did not really understand what was happening. This is where the term “Anabaptist” comes from, as their detractors called them this, drawing from Greek for the terms “to re-baptize” or

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<sup>8</sup>Estep, *passim*; Walter Klaassen, ed., *Anabaptism in Outline: Selected Primary Sources* (Scottsdale, PA: Herald Press, 1981), 23-24; and Cornelius Dyck, “Anabaptist Tradition and Vision,” in *Dictionary of Christianity in America*, ed. Daniel Reed, *et al.* (Downers Grove, IL: InterVarsity, 1990), 58-59.

“re-baptizers.”<sup>9</sup> This believer’s baptism was the clearest delineation between the Anabaptists and other reformers of the Protestant Reformation.<sup>10</sup>

Because of their radical beliefs, Anabaptists bore the brunt of Protestant and Roman Catholic persecution in the sixteenth century. The established state churches viewed Anabaptists as heretics and blasphemers because both Catholics and Protestants held that the church and state were inseparable. When Anabaptists declared themselves as the people establishing the “true” church, they seemingly undermined the official state-sanctioned churches and thus broke the law. To diverge from and offer an alternative to the state churches as the Anabaptists did was a treasonous and revolutionary act. The result was the persecution, capture, and/or execution of most Anabaptists. Methods used in attempting to eliminate the movement included imprisonment, ripping of flesh using red-hot tongs, drowning, execution by sword, being locked in a burning building, and burning at the stake.<sup>11</sup> In the words of Radical Reformation scholar George H. Williams, Anabaptists were “... the gravest danger to an orderly and comprehensive reformation of Christendom...”<sup>12</sup>

It was the experience of persecution and martyrdom that kept the Anabaptists from becoming a mass movement in Europe. Granted, the faith did attract a large number of followers and spread throughout Europe, but it never enjoyed the large

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<sup>9</sup>Bender, 20-21.

<sup>10</sup>Estep, 201.

<sup>11</sup>Bender, 47-52; and Estep, 29, 47, 53, 72.

<sup>12</sup>George H. Williams, *The Radical Reformation* (Philadelphia, PA: Westminster Press, 1962; reprint, Kirksville, MO: Truman State University Press, 2000), xxviii.

following or the widespread acceptance of other churches. Anyone who dared to preach or practice the tenets of Anabaptism subjected himself or herself to unspeakable torture and certain death if captured.<sup>13</sup>

Because of their major leadership efforts in the peace witness in the National Service Board for Religious Objectors during World War II, the Mennonites will be discussed at length here. The Mennonites, under the leadership of Menno Simons, a Dutch Catholic priest who renounced his faith over the issues of infant baptism and transubstantiation, became the most important group of the Anabaptists to emerge after the early actions and deaths of Grebel, Manz, and Sattler, among others. There were two distinct groupings of Mennonites. The first of these were the Dutch Mennonites, under Menno. Emerging in the mid-1530s, Menno and his followers experienced severe persecution. In addition to their focus on the New Testament as the authoritative work and their practice of adult baptism, Mennonites also adopted the doctrine of nonresistance because Jesus taught it in the New Testament. Mennonites from the Low Countries (presently the Netherlands) eventually moved to the North German States, Prussia, and Russia to escape persecution and develop the land there at the invitation of state leaders. They eventually found a religious haven in North America when thousands emigrated from Russia in the 1870s to the Dakota Territory, Kansas, and parts of Canada. The largest Mennonite organizations to emerge from the Dutch tradition were the General

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<sup>13</sup>Bender, 49.

Conference Mennonites, the Mennonite Brethren Church of North America, and the Krimmer Mennonite Brethren.<sup>14</sup>

The other main group of Mennonites to emerge from Anabaptism was the Swiss Mennonites. In contrast to the Low German dialects of their Dutch cousins, the Swiss Mennonites spoke High German and had differences in clothing and actions. The largest groups to emerge from the Swiss Mennonites were the Mennonite Church and the Amish. The Amish, who organized under the leadership of Jacob Amman in the 1690s, had immigrated to the American colonies by the early eighteenth century. Also emerging from the Swiss tradition was the General Conference, a cooperative organization formed in the mid-nineteenth century consisting of Mennonites from Pennsylvania, Ontario, and Iowa. Many of the Dutch Mennonites who immigrated to the central United States affiliated with the General Conference, making it an amalgamation of both the Dutch and Swiss Mennonite heritages.<sup>15</sup>

The Mennonite principle of nonresistance led to conscientious objection. Mostly due to their emphasis on the New Testament, Mennonites focused on living their lives based on the teachings of Jesus. That focus called for Christians to love their enemy and turn the other cheek in the face of violence. Also factoring into the nonresistance of the Mennonites was the concept of the Two Kingdoms. As described by Mennonite historian

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<sup>14</sup>Estep, 151-176; and John Hostetler, *Mennonite Life* (Scottsdale, PA: Herald Press, 1968), 9-10.

<sup>15</sup>Bender, 56-58; Hostetler, *Mennonite Life*, 10; John Hostetler, *Amish Society* (Baltimore: Johns Hopkins University Press, 1993), 41-45; and C. Henry Smith, "Mennonites in North America," in *Mennonites and Their Heritage: A Handbook of Mennonite History and Beliefs* (Scottsdale, PA: Herald Press, 1942; reprint, 1973), 129-130.

James Juhnke, Anabaptism held that, “Both the state and the state churches belonged to the evil kingdom; the new community of regenerated believers was part of the kingdom of Christ.” The state, though it provided order, must never supersede the kingdom of Christ. For Anabaptists, and eventually Mennonites, this restriction on a Christian’s allegiance to the state meant no participation in war, no state administered oaths, and no holding of political office.<sup>16</sup> Upon this belief structure, the Mennonites built their principle of nonresistance.

Nonresistance was a central feature of Anabaptist/Mennonite doctrine from its earliest days. As Conrad Grebel stated in 1524, “True Christians use neither the worldly sword nor engage in war, since among them taking human life has ceased entirely, for we are no longer under the Old Covenant.... The Gospel and those who accept it are not to be protected with the sword, neither should they thus protect themselves.” Menno Simons echoed Grebel’s sentiments by writing, “The regenerated do not go to war, nor engage in strife. They are the children of peace who have beaten their swords into plowshares and their spears into pruning hooks, and know of no war.... Spears and Swords of iron we leave to those who, alas, consider human blood and swine’s blood of well-nigh equal value.”<sup>17</sup> The words of Grebel and Simons reveal more than a call to renounce war among the believers. They also emphasize a regeneration of spirit and implore their followers to restore the Christian church of the New Testament.

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<sup>16</sup>James Juhnke, *A People of Two Kingdoms: The Political Acculturation of the Kansas Mennonites* (Newton, KS: Faith and Life Press, 1975), 10-11.

<sup>17</sup>Bender, 44-45.

The next group to establish itself was the Society of Friends, or Quakers as they are commonly known. The Friends grew out of what religious historian Sydney Ahlstrom describes as “left-wing Puritanism,” which meant moving away from the hierarchy and structure of the Christianity of the Church of England.<sup>18</sup> The sect began in 1652 with George Fox and his followers in England, who emphasized a personal relationship with Jesus Christ. Out of that emphasis came the central defining feature of the Quakers, the Inner Light, a concept to be discussed momentarily. The Society of Friends in England were religious social levelers and activists. They were egalitarian and did not recognize status based on social class or gender, even going so far as to refuse to remove their hats to nobility or government authorities. Their social activism in England included calls for humane treatment of prisoners and the mentally ill. In the United States, they were among the first abolitionists. They pressed for freedom of assembly, worship, and speech. They refused to take court oaths, objected to state appointed clergy, taxes, war, and the idea that a person must attend church, seeking instead to emphasize the personal relationship with Christ. Because of their egalitarian actions (and other unpopular practices), English authorities viewed them as a threat to the stability and strength of society and the state. As a result, the Friends experienced severe persecution and began to emigrate to the American colonies in the 1650s.<sup>19</sup>

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<sup>18</sup>Sydney Ahlstrom, *A Religious History of the American People* (New Haven, CT: Yale University Press, 1972), 176.

<sup>19</sup>Peter Brock, *The Quaker Peace Testimony, 1660-1914* (York, England: Sessions Book Trust, 1990), 10; and Mead and Hill, 140-142.

After experiencing resistance to settlement at the hands of the Puritans in Massachusetts, the Friends found a home in religiously tolerant Rhode Island. However, it was not until William Penn gained his royal charter for Pennsylvania in 1781 that they truly found a haven (as did the Mennonites and Brethren). Pennsylvania came to be controlled by the Friends, but the colony became diverse ethnically and religiously due to the open-minded ideas central to its establishment.<sup>20</sup>

As stated briefly, the core of Quaker religious thought lies in a personal experience with Christ. In emphasizing the personal experience, Quakers were non-creedal, holding the idea that creeds can simply be repeated and become void of any real meaning.<sup>21</sup> Also coming out of the importance of personal experience was the concept of the Inner Light, or the idea that God is manifest in every human being. They drew this idea from the Gospel according to John, where John states in 1:9, “That was the true Light, which lighteth every man that cometh into the world.”<sup>22</sup> The Inner Light is an all-encompassing connection between Jesus and all of humanity. Friends scholar D. Elton Trueblood explains it best when he says, “The Light which strives to reach every man is not some vague general light, but the present continuation of the Light which shone in Jesus as he called men by the Sea of Galilee.”<sup>23</sup>

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<sup>20</sup>Ahlstrom, 187-181, 111-113.

<sup>21</sup>D. Elton Trueblood, *The People Called Quakers* (Richmond, IN: Friends United Press, 1966; reprint, 2002), 65.

<sup>22</sup>Trueblood, 70; and John 1:9 KJV.

<sup>23</sup>Trueblood, 70.



The Society of Friends also has a long-standing tradition of social activism and service. Their emphasis on this missionary impulse comes from their interpretation of the New Testament and the purpose of the early Christian Church. According to Trueblood, “The more carefully we read the New Testament, the more we come to realize that the Christian Church, in its first phase, was essentially a missionary movement.”<sup>24</sup> As stated earlier, Quakers were advocates of freedom of speech, worship, and assembly in England. Also, though there were divisions that emerged over how to confront the issue, they were directly in the middle of the anti-slavery effort in the United States before the American Civil War. In the early twentieth century, they consolidated their service efforts and peace witness with the founding of the American Friends Service Committee (AFSC) during World War I in 1917. The AFSC’s efforts included war relief and rehabilitation, peace studies and education, and justice and reconciliation.<sup>25</sup> The AFSC was successful in many of its endeavors, winning the Nobel Peace Prize in 1947 for their international relief and rehabilitation work.<sup>26</sup>

Though they have long been identified as pacifists, the centrality of the Quaker peace testimony in their early years has recently come under closer scrutiny. For example, in the early days of the movement, there were Quaker soldiers alongside pacifists amongst the group, suggesting that the peace witness was not all-encompassing in the initial phases of the Quakers. Pacifism became firmly established from 1660-1661

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<sup>24</sup>*Ibid.*, 247.

<sup>25</sup>Hugh Barbour and J. William Frost, *The Quakers* (New York: Greenwood Press, 1988), 7-10.

<sup>26</sup>Trueblood, 257.

when Fox made a number of firm public statements that a true Christian must be nonviolent and love his or her enemies.<sup>27</sup> In 1661, Fox and Richard Hubberthorne issued a declaration to the English king, Charles II, which firmly established the Quaker pacifist stance. The most important part read, “All bloody principles and practices as we to our own particular do utterly deny, with all outward wars and strife and fightings with outward weapons for any end or under any pretense whatsoever; and this is our testimony to the whole world.”<sup>28</sup> For the Quakers, “... war is intrinsically wrong and evil,” in the words of Trueblood.<sup>29</sup> By following the teachings of Jesus, Quakers turned to social activism rather than killing as a means of resolving conflict and achieving justice in the world around them.<sup>30</sup>

The Brethren were the final major peace group to establish, beginning with baptisms in a river near Schwarzenau, Germany. It was there in 1708 that a group of five men and three women, led by Alexander Mack, Sr., baptized each other with a threefold immersion, thus initiating three centuries of a community of believers that outsiders referred to as a “peculiar people.” The Brethren grew out of the convergence of three European religious movements: Reformed Protestantism, Radical Pietism, and Evangelical Baptism. Most of the original Brethren came from the mainline German Reformed Church, a group with a Calvinist heritage. This background in the German Reformed Church explains the Brethren’s acceptance of many traditional Protestant

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<sup>27</sup>Brock, *The Quaker Peace Testimony*, 10-11, 23.

<sup>28</sup>Quaker declaration quoted in Trueblood, 195.

<sup>29</sup>*Ibid.*, 190.

<sup>30</sup>Barbour and Frost, 247.

beliefs, as discussed below. The Brethren numbers in Europe never became particularly large due to intolerance and persecution. Within twenty-five years, they began to immigrate to Pennsylvania, searching for religious tolerance.<sup>31</sup>

However, it was Pietism, along with the Anabaptists, that influenced the Brethren most of all. Today, the Brethren are classified as a Pietist denomination. Pietism was a religious movement within Protestantism during the late seventeenth and eighteenth centuries. Because it was a convoluted and widespread movement, Pietism had many different tenets and was nuanced from group to group, but some distinct beliefs and actions did emerge. One was the effort to restore “the True Church” as outlined in the New Testament. Another was the reemphasis on the Bible (particularly the New Testament) as the authoritative work. Most of all, Pietism attempted to combat nominalism, or spiritual deadness, in the churches. It sought to reinvigorate religious fervor and spiritual belief.<sup>32</sup>

Out of Pietism arose a distinct branch of radicals who sought to break away and form their own groups rather than reinvigorate their churches from within. They are referred to in the scholarship, not surprisingly, as Radical Pietists. It was from this milieu that the Brethren emerged. Radical Pietism combined elements of mysticism, universal restoration, noncreedalism, communalism, and, in some cases, celibacy. Overall, there was a distinct emphasis on *experiencing* God on a personal level. The experience of the

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<sup>31</sup>Donald Durnbaugh, "Early History," in *Church of the Brethren: Yesterday and Today*, ed. Donald Durnbaugh (Elgin, IL: Brethren Press, 1986), 1-9.

<sup>32</sup>Dale Brown, *Understanding Pietism* (Nappanee, IN: Evangel Publishing House, 1996), 11-12, 22-23; and F. Ernest Stoeffler, *German Pietism During the Eighteenth Century* (Leiden, Netherlands: E.F. Brill, 1973), ix-xi.

Thirty Years' War (1618-1648) also helped to gain a foothold for pacifism or nonresistance within Pietism, because the extreme destruction and loss of life from that war had a long-lasting impact on Europeans.<sup>33</sup> The influence of Pietism is indeed apparent throughout the theology and practices of the Brethren.

In North America the Brethren began to expand and establish communities along the eastern seaboard. The first settlement centered around Germantown, Pennsylvania, and within a few years, they began to spread into the south-central parts of that colony. During these years, the first split among the Brethren occurred with the formation of the Ephrata Cloister under the leadership of Conrad Beissel. Beissel was a German immigrant who came to the colonies with a desire to break out on his own, doing so in 1728, when he and followers formed the Protestant monastery named Ephrata. This split from the mainstream Brethren would not be the last time the group fractured, creating new churches.<sup>34</sup>

The largest split, and the division with the furthest-reaching effects, occurred among the Brethren between 1881-1883. Growing out of the modernization of the United States and the introduction of modern society into portions of their members, the Brethren split along three major lines: the Old Orders, who wished to preserve the traditional Brethren ways; the Progressives, who wished to move forward quickly with modern ideas; and the Conservatives, who fell in between the other two groups. Over those three years, acrimonious debates and tensions emerged over such things as Sunday

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<sup>33</sup>Brown, 24-25, 18-19.

<sup>34</sup>Donald Durnbaugh, *Fruit of the Vine: A History of the Brethren, 1708-1995* (Elgin, IL: Brethren Press, 1997), 90-102.

Schools, education, mission work, ministerial pay, and style of clothing. However the biggest controversies came over the place of the Brethren in modern society, where authority in the church would lie, and the manner of gaining new membership. It was over these matters that the Old Orders broke away and called themselves the Old Order German Baptists. The Progressives chose to form the Brethren Church and the Conservatives that remained called themselves the German Baptists, eventually changing their name in 1908 to the Church of the Brethren. Over time, there would be other, smaller divisions in the church, but this was the by far the largest in its history.<sup>35</sup>

For the most part, the beliefs of the Church of the Brethren fall in line with much of mainstream historic Protestantism, meaning a belief in the Holy Trinity and an emphasis on the priesthood of all believers. The latter point is of particular importance to the Brethren, as there is a distinct emphasis on the church as a community of believers, and with that comes a sense of kinship and identity with one another. Drawing from Anabaptist tradition, members of the church addressed one another as “brother” or “sister,” stressing the relationship of believers to one another (hence the term Brethren). Also of profound importance to the Brethren is the emphasis on personal spirituality and an individual relationship with God, though not to the extent of the Friends. According to Brethren scholar Dale R. Stoffer, the emphasis on personal spirituality came from Pietism, as did the stance against creeds. The Brethren sought to move away from papal dogma and creedal restraints to develop a more individualized interpretation of scripture.

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<sup>35</sup>*Ibid.*, 291-292.

In the words of Stoffer, the Brethren thought that the personal elucidation allowed “... the Holy Spirit [to] be free to shed new light upon God’s word.”<sup>36</sup>

The best-known defining feature (and for the purposes of this work, the most important) of the Brethren belief structure is the emphasis on nonresistance. Many times, the Brethren are mistakenly labeled as a pacifist church. While they do refer to themselves as a Historic Peace Church, that term did not come into use until 1935, and only then was it used to describe its relation to the Mennonites and the Friends. The emphasis on nonresistance came from a literal interpretation of the teachings of Jesus in the New Testament, coupled with the belief that individuals are accountable to God above all else (nonconformity). Nonconformity and a literal interpretation of the teachings of Jesus led the Brethren to adopt a nonresistant stance, which was similar to that of the Mennonites.<sup>37</sup>

These three groups – Quakers, Mennonites, and Brethren – led the way in preparing for conscientious objection when conscription became law in the United States in 1940. As Hershey said then, no person in the Federal Government had given much thought to the issue. Though Hershey was the person in charge of conscientious objection and did the most to shape alternative service, he relied heavily on input from the Historic Peace Churches because of their long-standing traditions of nonresistance or Christian pacifism. Conscientious objection was a part of their identity, and they began

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<sup>36</sup>Stoffer, 43, 52-53.

<sup>37</sup>*Ibid.*, 50-51.

to discuss the issue in real-world terms between the world wars well before a public discussion on conscription was an issue.

An increasing spirit of ecumenism and cooperation between the Historic Peace Churches marked the years for them between the two world wars. The first incarnation of this collaboration was in the early days of U.S. participation in World War I in May 1917, when representatives of the Brethren, Mennonites, and Society of Friends met, though little of substance actually came out of the gathering. The first major Peace Church conference came after the war in 1922 at Bluffton College, a General Conference Mennonite school in Ohio. Given the awkward and lengthy title of National Conference of Religious Bodies Who Hold That Peace between Nations Can Be Maintained by Following the Teachings of Jesus, it outlined its purpose as follows,

A number of these groups have been sadly misunderstood during the past six years. Because of their isolation they have frequently had no knowledge of what other like-minded groups were doing. Not infrequently one or the other of these groups or individual members of them have suffered more or less persecution.... The thought of their inability to prevent war or even utter an effective protest against it, was so overwhelming that they either compromised or suffered in isolated silence. Under these conditions these groups have not been able to effectively demonstrate that love, as it was revealed in Christ Jesus, is capable of meeting such situations as arose in 1914 and 1917.<sup>38</sup>

The conference sought to bring together groups that had the peace witness as a major part of their beliefs in order to discuss ways to spread the message beyond the denominations represented.<sup>39</sup>

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<sup>38</sup>Durnbaugh, *Fruit of the Vine*, 431-432. The quotation comes from Durnbaugh. These are the published words of the conference, not Durnbaugh.

<sup>39</sup>*Ibid.*, 432.

A positive reaction among the participants meant that the conferences continued throughout the 1920s and early 1930s. There were nine conferences from 1922 to 1932 (counting the meeting at Bluffton), each with varying levels of attendance, discussing ways for the Peace Churches to explore the peace witness in the modern world. However, the economic abyss of the Great Depression meant that the Peace Churches did not meet again until 1935.<sup>40</sup>

In 1935, the most significant of any conference during the interwar years took place in Newton, Kansas. This conference, called by Henry P. Krehbiel, a prominent Mennonite in the area, continued the recent themes of seeking to develop plans for a more effective peace witness amongst the Peace Churches in the modern world. The largest differences between this conference and the earlier series were that the Peace Churches made more substantive agreements at the meeting, and their efforts in Newton helped shape their strategy for approaching Washington when conscription came in 1940. The conference lasted for three days and did much to chip away at some barriers between the liberal peace sects and some of their conservative counterparts.<sup>41</sup> For example, the conservative Mennonite Church never supported the term “pacifism.” For them, it was of the modern world and it belonged with modern liberal thought, not the Mennonite peace witness. So, to compromise and attract as many peace sects as possible, Krehbiel coined

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<sup>40</sup>*Ibid.*, 432-434.

<sup>41</sup>Robert Kreider, "The Historic Peace Churches Meeting in 1935," *Mennonite Life* 31, no. 2 (June 1976): 22-23.



the term “Historic Peace Churches” rather than use the term pacifist, and it is used to this day to describe collectively the Brethren, Mennonites and Society of Friends.<sup>42</sup>

One of the important decisions reached at the Newton Conference was the issuance of a formal statement, codifying the beliefs of the Historic Peace Churches. It read,

1. Our peace principles are rooted in Christ and his Word.
2. Through Jesus Christ, who lived among men as the incarnation of the God of love, we become partakers of the spirit and character of our Lord, and thereby are constrained to love all men, even our enemies.
3. Christ has led us to see the value of human life and personalities, and the possibilities in all men, who by spiritual rebirth from above may become sons of God.
4. The spirit of sacrificial service, love, and goodwill promotes the highest well-being and development of men and society, whereas the spirit of hatred, ill will, and fear destroys, as has been demonstrated repeatedly in human experience.
5. Since good alone can overcome evil, the use of violence must be abandoned.
6. War is sin. It is the complete denial of the Christian spirit of love and all that Christ stands for. It is wrong in spirit and method, and destructive in results. Therefore, we cannot support or engage in any war or conflict between nations, classes, or groups.
7. Our supreme allegiance is to God. We cannot violate it by a lesser loyalty, but we are determined to follow Christ in all things. In this determination we believe we are serving the interests of our country, and are truly loyal to our nation.
8. Under God we commit ourselves to set forth in the true way of life this statement of position and assume the obligations and sacrifices attending its practice.<sup>43</sup>

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<sup>42</sup>Durnbaugh, *Fruit of the Vine*, 435-436.

<sup>43</sup>“The Conference of Historic Peace Churches, October 31 – November 2, 1935, Newton, Kansas,” Vertical File – Conference of Historic Peace Churches (1935 – Newton, KS), Mennonite Library and Archives, North Newton, KS.

These tenets outlined the ethos and doctrine of the Historic Peace Churches in regard to their peace stance.

However, as revealed earlier, the stance of the Selective Service was much different, and, ultimately, it was Hershey and his organization's view that won out. The biggest difference was over the issue of allegiance. For Hershey and the Selective Service, every citizen, regardless of religious creed, owed a duty of service to the state in the time of national emergency. There were to be no exceptions. The loyalty of the Historic Peace Churches ultimately lay with the Kingdom of God. The compromise between the two in 1940 was alternative service, which avoided violence for the Peace Churches and fulfilled a citizen's duty for Hershey and the Selective Service. Alternative service, though, did not come until conscription became law in 1940.

The Peace Church conference in Newton did much more than establish a codified peace stance for the Historic Peace Churches. Of utmost importance was the decision between the churches to establish an ongoing cooperative relationship for matters of peace and conscientious objection in dealing with the federal government. The official documentation from the conference suggested that a joint committee formed from representatives of the American Friends Service Committee, the Mennonite Central Committee, and the Peace Committee of the Church of the Brethren should be responsible for planning a course of action in regard to peace activities. The AFSC would be responsible for calling the first meeting. In case of war, the conference adopted a plan to present a united voice for conscientious objectors to the federal government. The platform called for a reinstruction of the membership on the Historic Peace Churches' traditional stance toward war, pressuring the membership to resist service to

the military or anything controlled by or contributing to it, providing counseling in matters of peace to those members who may be wavering, rejecting funding the war, and providing a support network (both financial and spiritual) for conscientious objectors affected by the draft, among other things. The conference unanimously adopted these provisions.<sup>44</sup>

The decision to form a joint committee proved to be insightful and productive. Recall that one of the major problems during World War I was the lack of a united voice from the Historic Peace Churches for conscientious objectors. To rectify that mistake and be prepared in case of another war or draft, creating a united front was important to the leadership at the conference. Indirectly, the cooperation between the Peace Churches led to the creation of the National Service Board for Religious Objectors. Created at the behest of Hershey, NSBRO was the primary voice for conscientious objectors during World War II and beyond (it still exists today as the Center for Conscience and War). It was the body that dealt with Hershey on matters of CO policy, draft status appeals, and other varied issues that arose throughout the war. NSBRO was the main Historic Peace Church voice in World War II, and its roots are in the 1935 Conference of Historic Peace Churches in Newton. Though the Peace Churches created NSBRO at the urging of Hershey in 1940 (to be explored in the next chapter), this increase in Peace Church cooperation between the world wars led to a situation that allowed for a more seamless creation of a cross-sect representative body.

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<sup>44</sup> “The Conference of Historic Peace Churches, October 31 – November 2, 1935, Newton, Kansas.”

After the 1935 Conference, but before the passage of the Selective Service Act of 1940, the Historic Peace Churches remained proactive in making their views known and attempting to secure exemptions for conscience in case of another war of conscription. Members of the Historic Peace Churches cooperated with one another in communicating their stance towards war and conscription with President Franklin Roosevelt. They met with Roosevelt in 1937 and again in 1940. Their second meeting with Roosevelt, on January 10, 1940, outlined their beliefs and their purposes, revealing many of the central issues that the Peace Churches attempted to gain throughout the development of CPS and many of the arguments they had with Hershey and Kosch over the matter. In case of conscription, they wished for three main provisions for conscientious objection. They asked for a civilian board appointed by the president and serving under a member of the Cabinet to determine CO sincerity, classification, and assignment to civilian projects. They wanted draft boards to send all conscientious objectors to this civilian CO board, making sure that civilian control remained in place for COs at all times. Finally, they called for the Peace Churches to set up and administer work projects to which the COs could be assigned, such as war relief and reconstruction (along with domestic relief and reconstruction), refugee resettlement, land reclamation or forestry work, farm labor, and health services. They closed their statement to Roosevelt by saying that while they represented the Historic Peace Churches, they hoped their arguments would be considered for all individuals who conscientiously opposed conscription.<sup>45</sup>

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<sup>45</sup>The Historic Peace Churches to Franklin Roosevelt, January 10, 1940, Lewis B. Hershey Papers, Military History Institute, Carlisle, PA.

What is apparent in the Peace Church meetings with Roosevelt is that they wished to retain civilian control over the matters of conscientious objection, and they lobbied hard for it in the debates over conscription during the summer of 1940. Though they would be unsuccessful in their efforts, their attitudes toward civilian control were thus firmly established well before the Selective Training and Service Act of 1940.

Not long after the Historic Peace Churches' second meeting with Roosevelt, the draft became a reality. The first peacetime conscription act in the history of the United States came about in response to the events in Europe, culminating with Germany's invasion of Poland in September 1939. Conscription was still a contentious issue in the United States, and nobody proposed legislation in Congress until the middle of 1940, as there was still a strong anti-interventionist sentiment in the United States even after Adolf Hitler's aggressive action during the first year of the war. The German invasions led lawmakers to increase the strength of the regular army, which had a measly 188,000 soldiers in its ranks, along with about 200,000 in the National Guard. Not only was the army low on numbers, but the soldiers had a woeful lack of training and obsolete equipment as well. The poor level of preparedness and the events of Europe from 1939-1940 led to increases in the American military, but for those pushing for increased preparedness, it was occurring at an alarmingly slow rate.<sup>46</sup>

It was becomingly increasingly clear that the possibility of confronting the German war machine required many more men than would probably volunteer, yet President Roosevelt, General George Marshall, and members of the Joint Army Navy

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<sup>46</sup>Flynn, *The Draft*, 9-12.

Selective Service Committee (of which Hershey was the executive secretary) did not think a draft was feasible until a declaration of war came about. What helped get the ball rolling for the draft was Grenville Clark and his Plattsburg cronies in the Military Training Camps Association. Clark was a Wall Street lawyer with a history of elite influence and an ardent supporter of military service and interventionism. The Plattsburg Movement, occurring just prior to World War I, called for military preparedness and believed military service was a duty shared by all male citizens. It established training camps for officers (from elite backgrounds) during the war. The Plattsburgers believed that English civilization needed saving from the “barbarous” Germans, an idea that harkened back to the days of Woodrow Wilson during the First World War. The best way to help the English, in their minds, was to raise a prepared force through conscription. They lobbied hard through many different channels, supported the nomination of such pro-conscription officials as Secretary of War Henry Stimson, and worked to spread favorable press and garner support throughout the United States. Through their efforts, they eventually convinced Senator Edward R. Burke (D-NE) and Representative James W. Wadsworth (R-NY) to sponsor their bill.<sup>47</sup>

The push Clark and his elite, non-elected compatriots was a bothersome situation for some people. Initially, Hershey viewed them as “usurpers,” and Marshall was very apprehensive about the negative publicity that could arise were word to get out that the War Department approved of the plans put forth by Clark’s group.<sup>48</sup> Marshall and his

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<sup>47</sup>Clifford and Spencer, 14-16, 48-101; and Flynn, *The Draft*, 9-12.

<sup>48</sup>Clifford and Spencer, 48-49.

staff had been working on the idea of conscription through JANSSC since the 1920s. Led by Hershey, in 1939 JANSSC published its plans for conscription should war break out for the United States. Its publication, *American Selective Service*, provides a historical overview of manpower and their vision of how conscription should unfold if hostilities arose. Of particular interest to this study are the ideas of service presented. The statements put forth read as if Hershey spoke them himself. For example, prior to the First World War, manpower procurement was, in JANSSC's words, "wasteful and unsatisfactory." Though there is no discussion of conscientious objection, the concept of service that shaped conscientious objection and alternative service is definitely apparent. As it wrote,

The conception [of a World War I draft] rested upon three propositions. One of these, as old as mankind, is that every citizen is obligated to join in the common defense. The second, not readily agreed upon in the early days of the republic, is that in a National emergency the authority of the National Government over its armed forces is paramount and exclusive. The third proposition is that local self-government is the fundamental basis of American democracy.<sup>49</sup>

The ideas, prevalent among the planners at this time, and most definitely with Hershey, meant that all had to serve in some capacity, the federal government's word was supreme, and local control of the draft would be preserved.

When conscription appeared to be coming closer to actualization, Marshall wanted to coordinate the War Department's efforts with the ideas of Clark's group. Led by Hershey, the War Department limited the age of service to 21-45, restricted training to

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<sup>49</sup>Joint Army Navy Selective Service Committee, *American Selective Service: A Brief Account of Its Historical Background and Its Probable Future Form* (Washington: U.S. Government Printing Office, 1939), 1.

twelve months, standardized pay, and declared that the draft law would issue no blanket deferments but would rely on case-by-case assessments.<sup>50</sup>

Burke proposed selective training and service in the Senate on June 20, 1940, and Wadsworth put forth concurrent legislation the next day in the House of Representatives.<sup>51</sup> For conscientious objectors, the initial wording of the CO provision in the bill was problematic. It provoked considerable consternation because it bore a striking resemblance to its World War I predecessor. It read,

Nothing contained in this act shall be construed to require or compel any person to be subject to training or service in a combatant capacity in the land and naval forces of the United States who is found to be a member of any well recognized religious sect whose creed or principles forbid its members to participate in war in any form, if the conscientious holding of such belief by such persona shall be established under such regulations as the President may prescribe; but no such person shall be relieved from training or service in such capacity as the president may declare to be noncombatant.<sup>52</sup>

The convoluted wording in the second half of the provision aside, the most problematic phrase in the section as worded was “member of any well recognized religious sect.”

This portion of the bill aroused much debate and testimony from numerous groups on the floor of both the House and the Senate.

Drawing on that problem, one of the largest issues during the hearings for the bill was expanding CO provisions beyond the members of Historic Peace Churches. Other problems became apparent as well. The method of classification was one issue.

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<sup>50</sup>Flynn, *The Draft*, 12-13.

<sup>51</sup>Clifford and Spencer, 85-88; and *Conscientious Objection*, 67.

<sup>52</sup>Congress, Senate, Committee on Military Affairs, *Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 76<sup>th</sup> Cong., 3<sup>rd</sup> sess., 3, 5, 10, 11, and 12 July 1940, 3.



Legislating alternative service was another. Because the 1917 Act did not legislate for alternative service, government programs came too late, only after many COs suffered mistreatment in army camps and military prisons. As a result, legislators eventually wrote alternative service provisions into the 1940 Act. Finally, there was the question of civilian control over conscientious objectors. This was a major issue amongst the Historic Peace Churches when they addressed the issue with President Roosevelt in 1937 and again in early 1940, well before the introduction of the Burke-Wadsworth Bill.<sup>53</sup>

Hearings began on July 3 in the Senate and July 10 in the House. They continued through the middle of August, with final passage of the bill coming in September. Most of the testimony concerning conscientious objection came from representatives of pacifist groups such as the War Resisters League and The Women's International League for Peace and Freedom, minority rights advocates such as the American Civil Liberties Union, the Historic Peace Churches, and other Christian denominations. Lewis Hershey, then a major, gave significant testimony on conscription before both the House and the Senate, but he discussed conscientious objection only briefly when prompted before the House Committee on Military Affairs. Appearing before the Senate as the chief executive of the Joint Army Navy Selective Service Committee, Hershey commented on the need for men, even in peacetime. He gave an overview of the efforts of JANSSC and discussed what the Selective Service would look like and how it would operate. He pointed out that there were other models of conscription used by other countries that influenced the committee's plans. Hershey also emphasized civilian control of

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<sup>53</sup>*Conscientious Objection*, 68-70.

conscription through the use of local draft boards, an early public manifestation of his long-standing belief in that dynamic.<sup>54</sup>

In his testimony to the House, Hershey reiterated many of the statements he had made to the Senate and provided a relatively extensive discussion of registration along with elaborating on deferments for workers in defense industries and education. During his House testimony he publicly spoke about conscientious objection. Congressman John Sparkman (D-AL) asked if the bill should be changed to allow for an individual's conscience, removing the restriction of "peace sect" membership. Hershey responded, "You are speaking of something that I have a great deal of sympathy with, but I have not arrived at, perhaps, the best solution. Unquestionably if we could find the man and know that he is, in fact, whether he belongs to a creed or whether he does not, a conscientious objector, we should try to the utmost to do something about it." He stated that if they were indeed sincere, they should be accommodated and that the COs he had met were "honest about it." Hershey also said that the problem in his mind was COs who were insincere, people who were not truly religious objectors but were just looking for a way to avoid the draft. He acknowledged that this was a difficult problem, but it was a problem that needed a solution.<sup>55</sup>

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<sup>54</sup>Senate, *Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 372-385.

<sup>55</sup>Congress, House, *Selective Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 76<sup>th</sup> Congress, 3<sup>rd</sup> sess., 10, 11, 24, 25, 26, 30, 31 July and 2, 12, 13, 14 August 1940, 126. (Sparkman served as a voice of support for conscientious objectors throughout the war, particularly in trying to help the Peace Churches during the CPS Training Corps debates. See Chapter 7.)

That was the moment when Hershey publicly established his sympathy for the CO. While some other men called for restrictive or coercive methods, Hershey stated that if a man was indeed a sincere objector, then they should be accommodated. This was a belief structure that Hershey held throughout his work in the Selective Service during World War II and, indeed, for the rest of his career. Hershey was in no way hostile to conscientious objectors as long as they were sincere and honest about their objection. What really galled him were objectors who simply did not want to serve or if their objection was not based on a religious worldview.

Hershey's viewpoint concerning the CO stood in stark contrast to some of his military colleagues. In testimony before the Senate, Major General William N. Haskell, commander of the New York National Guard, believed that all eligible men should serve in the military, with conscientious objectors receiving an exemption from combat service and nothing more. When asked by Senator Robert R. Reynolds (D-NC) to clarify about an exemption from combat service, Haskell replied, "And that is all. They should be required to do anything that the War Department or the President decides is not combat service.... We had a lot of trouble with conscientious objectors in the last war and it was a racket, to a great extent."<sup>56</sup>

Amos A. Fries, a retired major general in the army, was even more hostile to the CO and made this clear to the Senate committee. He stated

"...I do not believe in making any exemptions for any purposes, whether they be conscientious objectors or what not. I think everyone should take the whole course in military training. I think he should take his full chances in war. If he

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<sup>56</sup>Senate, *Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 55.

does not want to shoulder a gun, pull the trigger of a machine gun, all right; but he should go to the front the same as others. He can drive a truck up there; he can drive a tank, he can work on roads; but he should take his chances in being killed as well as the other men. In fact, I think no man should be a citizen who is not willing to defend the country in time of war.”<sup>57</sup>

While there were plenty of viewpoints from a number of different individuals, ranging from peace organizations to the War Department to the ACLU, the statements by Haskell and Fries support the notion that there were individuals of high rank in the military who did not support conscientious objection or alternative service outside of the armed forces. Hershey’s answer before the House reveals a sympathetic stance that contrasted with some of his military brethren.

Hershey’s testimony before the House and Senate in mid-1940 also reflects another important point. His primary role as the executive of the Joint Army Navy Selective Service Committee, and the Assistant Director, and eventually Director, of the Selective Service was not to deal with conscientious objectors but to administer the registration procedures, draft calls, and induction of men eligible for conscription. That does not, however, belittle his importance to conscientious objection. In the development of policy concerning conscientious objection within the larger context of World War II and conscription, Hershey’s importance is undeniable, particularly after being tasked with defining “work of national importance” through Roosevelt’s executive order, which will be discussed in the next chapter.

We must note that Hershey was not particularly instrumental in securing legislation for it in the Selective Service Act of 1940. He voiced his support for the

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<sup>57</sup>*Ibid.*, 305

sincere objectors, but his real importance came after the enactment of the draft, when most of the important decisions shifted to him. Hershey's testimony before the House and Senate was as a member of the General Staff and an expert in the process of manpower procurement. The passages concerning conscientious objection in the 1940 draft bill were largely crafted through the efforts of Howard Beale of the American Civil Liberties Union (ACLU) and Paul Comly French and Raymond Wilson of the Society of Friends. Others spoke in support, but these men represented the central thrust to provide for conscientious objection.

Harold Evans was the first to speak for the Society of Friends. On July 10, he outlined the beliefs of the Quakers and why they objected to military service. He said, "They have believed that lasting good can be accomplished not by war and violence but only by service and an appeal to the divine spark in the life of everyman."<sup>58</sup> Evans continued to outline the position of the Society of Friends, comparing the idea of conscription and warfare to the first steps toward dictatorship in the United States, a line of reasoning that brought forth much questioning from Senator Henry Schwartz (D-WY). When Burke stepped in and asked a more pointed question about the Society of Friends' views on the adequacy of CO provisions in the bill, Evans responded that "democracy cannot be preserved by coercion; that modern war annihilates democracy; and that freedom can be maintained only by self-discipline, by contagious enthusiasm for service, by devotion to a great cause." He affirmed that the Society of Friends wished for conscientious objection to be preserved in the bill. He believed that it merely mirrored

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<sup>58</sup>*Ibid.*, 160.

the 1917 Act and wished for something similar to the British model of conscription. He asked for four main provisions: civilian oversight of CO's, national registration of COs, absolutist exemption for those who objected to all forms of coerced service, and equal treatment for all religious denominations.<sup>59</sup>

Immediately following Evans' testimony, Paul French took the stand. French presented a signed statement from the Friends General Conference in Philadelphia. The statement argued that the bill as worded was

a negation of the right of conscience, and a denial of religious freedom. It is a violation of the fundamental concepts of democracy. It tends to a system of life and type of government in which the individual becomes subservient to the State.

We appreciate the duties and responsibilities of citizenship, especially in these times, and are eager to perform constructive service for the community, but are unwilling to grant the right of the State to conscript its citizens for services which they hold to be morally wrong.<sup>60</sup>

French effectively summed up the general beliefs of the Society of Friends to the committee, emphasizing that their objection was not over an unwillingness to die, but an unwillingness to kill. He said, "We are not unwilling to die for America if it will serve any real purpose, but we refuse to kill for any reason because we are convinced that each human being contains a spark of the Divine Spirit and we are not willing to kill the divine in a fellow human being."<sup>61</sup> Furthermore, this statement from French typifies the Friends' belief in the Inner Light concerning warfare.

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<sup>59</sup>*Ibid.*, 160-165.

<sup>60</sup>*Ibid.*, 165.

<sup>61</sup>*Ibid.*

Beale, a historian from the University of North Carolina, spent the summer of 1940 laboring to secure legislation for conscientious objectors at the behest of the national director of the ACLU, Roger Baldwin. Beale had written numerous times on issues of academic freedom, had been a member of the ACLU since the early 1930s, and had a close relationship with Baldwin. Beale, with support from Baldwin, chose to focus the ACLU's efforts on protecting conscientious objection rather than opposing conscription as a whole. Though both of them had a disdain for conscription, they both knew that fighting the entire institution of conscription was a battle they were probably not going to win. J. Garry Clifford and Samuel Spencer, in *The First Peacetime Draft*, point to Beale as the most important person in securing provisions for conscientious objectors. While their argument is slightly misguided (the Historic Peace Churches were instrumental as well), they do offer an insightful comment from Beale, who authored *Theodore Roosevelt and the Rise of America to World Power*. An ardent nationalist and militarist like Theodore Roosevelt would have had a supreme disdain for the idea. Beale said, "I shudder to think what Theodore would think of me if he knew what had taken his biographer's attention from TR himself. How he would denounce me!"<sup>62</sup>

Beale's testimony was not the first on behalf of conscientious objectors, but his was the most detailed and cogent. In his remarks to the Senate, he pointed out that he was not there to oppose conscription but instead to protect "the fundamental rights of liberty of conscience." He argued that the CO provisions in the bill as they stood were "too vague" and they resembled too closely the tenets of the 1917 legislation making the

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<sup>62</sup>Clifford and Spencer, 124-125.

criteria for objection much too narrow. Instead, he asked the committee to expand the wording to allow for COs of all religious denominations and those who were members of established antiwar organizations such as the Fellowship of Reconciliation. This was a call for a program for conscientious objectors along the British model. Through Beale, the ACLU asked for three classes of objectors: the absolutists who accepted no form of service or control and would not be required to serve in any capacity, civilian servants who accepted a civilian-controlled service program, and noncombatants who could serve in the military but not bear arms.<sup>63</sup>

Beale also attempted to reassure the legislators about the possible misuse of CO status by urging Congress to use tribunals to examine the sincerity of objectors, in which the COs could call witnesses to vouch for their beliefs. He continued by pointing out that exempted COs were not desirable in the army but could provide much needed labor in certain sectors. He concluded, “Gentlemen, does anyone think that men fighting in violation of their consciences and in repudiation of their God as they have honestly conceived Him and believed in Him will make good soldiers? They will make wretched soldiers. At civilian jobs serving their country with the high degree of devotion that the ones I have known among these people have, they are capable of great usefulness to their Nation.”<sup>64</sup>

Two weeks later, on July 25, Beale and the Quaker contingent (along with others) appeared before the House Committee on Military Affairs. He offered several comments

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<sup>63</sup>Senate, *Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 307-309.

<sup>64</sup>*Ibid.*, 309-310.



and proposals. Beale called for extending the provisions for COs to all who objected to military service, not just the Historic Peace Church members. He proposed that Peace Church membership should be enough to prove sincerity. He also urged civilian control of conscientious objection, called for a National Civilian Board of Appeal for COs, and acceptance of all three levels of objector (absolutist, civilian servant, and noncombatant). He also reaffirmed that objectors were not anti-American, but they were good people who were following their conscience.<sup>65</sup>

After testimony from Amos Horst of the Mennonites, French took the stand to provide his most significant testimony yet. Through the words of French, conscientious objectors were able to firmly establish exactly what they wished to have in CO legislation. Coming from a member of a firmly established peace sect with long-standing historical roots in the United States, French was definitely an expert on the subject. However, he had another advantage. He had met with the War Department the day before to outline plans for conscientious objection and the War Department agreed with the Quaker contingent. After meeting with Colonel Victor O’Kelliher from the Joint Army Navy Selective Service Committee, French testified the Quakers wanted the Department of Justice (therefore, civilian control) to examine those who registered as conscientious objectors and then report to the local draft boards on their authenticity. The Quakers and the War Department agreed that COs should be able to serve as noncombatants, in civilian work of national importance, or they should be sent back to the army if found to be insincere in their convictions. The problem of absolutists, though,

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<sup>65</sup>House, *Selective Compulsory Military Training and Service: Hearings before the Committee on Military Affairs*, 189-192.

still remained. The War Department did not support exempting absolutists from all forms of service, but French still asked the House Committee to consider the issue. Raymond Wilson, a fellow Quaker, followed French and immediately reaffirmed the desire for civilian control of conscientious objection.<sup>66</sup>

While the House continued hearings through August 14, the Senate Committee on Military Affairs retreated to discuss the matter among themselves and issued a report on August 5. In their report, the majority opinion sided with the CO lobby in that they agreed to provide for a national registry of conscientious objectors, Department of Justice (civilian) control and hearings for classification, and noncombatancy or civilian service for those who were found to be sincere in their objection. Where they differed with the representatives of the Peace Churches and the ACLU was on the matter of absolutist objectors. The committee decided not to provide for those objectors who refused service of any kind.<sup>67</sup> The House committee produced similar sentiments in their report of August 29, providing the same measure of protection and methods as the Senate for conscientious objection.<sup>68</sup>

By the end of August, it seemed that those who sought measures of protection for conscientious objectors had gotten mostly what they wanted, with the exception of protection for absolutist objectors. However, the final bill passed in September placed

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<sup>66</sup>*Ibid.*, 201-202, 209.

<sup>67</sup>Congress, Senate, Committee on Military Affairs, *Compulsory Military Training and Service*, 76<sup>th</sup> Cong., 3<sup>rd</sup> sess., S. Rep. 2002, 3.

<sup>68</sup>Congress, House, Committee on Military Affairs, *Compulsory Military Training and Service*, 76<sup>th</sup> Congress, 3<sup>rd</sup> sess., H. Rep. 2903, 5.

authority in the hands of the local draft boards, not the Department of Justice. This was a huge disappointment for the Peace Churches and the ACLU, particularly after they had worked so hard to attain complete civilian control over the issue. So what had happened? It seemed as though the Senate and House were in agreement by the end of August and things would be well for the most part, that is, until the bill passed. It was on the floor of the House and in conference committees that things changed.

On September 6, during debate in the House on the Compulsory Military Training and Service bill, Francis Walter (D-PA) called for changes to the provisions for conscientious objectors in the bill. The biggest change he advocated was eliminating the role of the Department of Justice and turning classification control entirely over to the hands of the local draft boards, and in turn, the Selective Service. Jerry Voorhis (D-CA), who supported COs and even contemplated calling for a bill that provided for voluntary national service, vehemently protested on the floor, but the chair ignored him. Chairman Lindsay Warren (D-NC) replied, “I did not hear your objection,” a response that was a blatant falsehood. Despite the dissent from Voorhis and the previous efforts of the Peace Churches and the ACLU, the measure passed, placing the authority for CO classification in the hands of the Selective Service and its local draft boards.”<sup>69</sup>

This change represented a significant departure from the direction that the bill seemed to have been going for conscientious objectors. The sudden change seemed to come from a desire in the Department of Justice to avoid becoming overburdened. According to Neal Wherry’s official Selective Service history of conscientious objection

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<sup>69</sup>Clifford and Spencer, 221-222; *Conscientious Objection*, 84.

in World War II, “This amendment in the House apparently arose from a feeling that referring the conscientious objector case to the Department of Justice made for an involved and unnecessary procedure.”<sup>70</sup> French echoed this viewpoint. According to him, the Department of Justice simply thought it would be too much work. This left French and the CO lobby worried about the local draft boards being inconsistent, a fear that proved to be well founded throughout World War II. French continued to appeal to several members of the House Committee on Military Affairs, many of whom did not support the amendments made on the House floor and wanted to get the Senate wording reinstituted into the final bill.<sup>71</sup>

However, once the conference committee met to iron out the discrepancies between the House and the Senate, the reinstitution of Department of Justice control did not materialize. The conference put forth their recommendation, and the House measures from the floor debate won out. French responded negatively. “... [I]t seems to me it is a legislative compromise of the worst sort.” He was clearly disappointed (as other CO lobbyists most certainly were), especially when he made statements such as, “It is curious how a few minutes can undo the work of a month or more.”<sup>72</sup>

However disappointed the Peace Churches or the ACLU may have been in losing the authority for conscientious objection from the Department of Justice and true civilian control, it actually turned out to be a blessing in disguise in many ways. Eventually,

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<sup>70</sup>*Conscientious Objection*, 84.

<sup>71</sup>French Diary, September 7, 1940.

<sup>72</sup>French Diary, September 7-13, 1940.

President Roosevelt, through an executive order, placed the authority for dealing with matters of conscientious objection in the hands of the Director of the Selective Service. Furthermore, by mid-1941, the new Director of the Selective Service would be Lewis B. Hershey. As already mentioned, Hershey, though an army officer, had a distinct point of view that was sympathetic to conscientious objectors, something he established in his earlier congressional testimony. He was also not shy in voicing his support to the Peace Churches (or the ACLU). In discussing the matter with Beale and French, Hershey reassured them that if he became the Director of the Selective Service, the mistakes of the last war would be avoided and no CO would end up in prison.<sup>73</sup>

The passage of the Selective Training and Service Act in 1940 meant that peacetime conscription was now law in the United States. This presented a dilemma for the Historic Peace Churches and any individual who opposed military service. Fortunately for those who objected based on religious grounds, the provisions for conscientious objection in the 1940 Act were much more liberal than those put forth during World War I. As previously stated, to be recognized as a CO in World War I, an objector had to be a member of an acknowledged religious sect that objected to war as a central tenet of its faith. This meant that the Act in 1917 excluded more popular denominations such as Lutherans or Methodists. The Act in 1940 was much more liberal than 1917, providing CO status to any person who objected to war or military service based on religious grounds. Section 5(g) in the 1940 Act outlined the provision for conscientious objection:

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<sup>73</sup>Clifford and Spencer, 221.

Nothing contained in this act shall be construed to require any person to be subject to combatant training and service in the land and naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to war in any form.<sup>74</sup>

The Act also outlined the ways in which COs could fulfill their service to the state. One method was to serve as a noncombatant, to be “defined by the President.” If a CO objected to military service of any kind, then his only outlet was to “be assigned to work of national importance under civilian direction.”<sup>75</sup>

The last option proved to be one of the most problematic for the relationship between the Historic Peace Churches and the federal government throughout the war. The fact that the Selective Service administered the camps made it appear that “civilian control” of CPS was a farce. Furthermore, the many COs believed that soil conservation and forestry service was little more than “make work” and did not utilize their labor effectively. The problems with civilian direction, work of national importance, and the resulting tension between the Peace Churches and the government is a major part of this dissertation, and it will be explored in the following chapters.

Because of the long-standing tradition of nonresistance among the Brethren and Mennonites and Christian pacifism in the Society of Friends, much of the early efforts in providing for conscientious objectors came from the ranks of the Historic Peace Churches. Furthermore, legislating for conscience in the Selective Service Act of 1940 was a multifaceted effort on the part of the Historic Peace Churches, Congress, the War Department, the ACLU, and the Joint Army Navy Selective Service Committee. That

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<sup>74</sup>*Selective Training and Service Act, Statutes at Large* 54 Part 1, 889 (1940).

<sup>75</sup>*Ibid.*

being said, Hershey's tolerant attitude that guided him in dealing with COs throughout World War II began to manifest itself publicly, standing in sharp contrast to some of his professional colleagues. Though he was front and center in the discussion of conscription in the House and Senate, he was not yet the central figure in conscientious objection. That role came quite soon, however.

What was definitely apparent from the summer of 1940 was that the entities involved in creating conscription law were redefining service and the citizen soldier. No man was totally exempt from service, but the government allowed for a man to perform his service through alternate means if his religious beliefs called him to a peaceful vocation. By providing for conscience through legislation, the federal government embarked on a new direction in matters of service and conscience. What eventually came to cement the relationship between service and conscience was a tolerant attitude and a well-developed sense of service from a former artillery officer who became the Director of Selective Service just a short time after the passage of the bill.

## CHAPTER 6 – HERSHEY AND CONSCIENTIOUS OBJECTION DURING THE PEACETIME DRAFT, SEPTEMBER 1940 – DECEMBER 1941

Though the Selective Service and Training Act of 1940 provided legislation that established alternative service for the conscientious objector, there were still more questions than answers about the form alternative service should take. Lewis Hershey, serving as the Acting Director, Deputy Director, and then Director of Selective Service, did much during the crucial years of 1940-1941 to develop, administer, and shape the direction of conscientious objection and alternative service. There are many instances during these years of Hershey making decisions, suggestions, or appointments with lasting effects on conscientious objection. As he began to exert his authority, his personal ideology concerning alternative service shaped the entire dynamic that continued throughout the war. His suggestion for better organization from the Historic Peace Churches, the establishment of Selective Service's Camp Operations Division, and his ongoing negotiations with the churches were but some of the many efforts of Hershey, both small and large, as the central figure in conscientious objection during World War II.



Hershey was not always at the forefront in these years, though. Seeking to maintain civilian control over the Selective Service, President Roosevelt named Clarence Dykstra as Director of Selective Service in October. Though Hershey was not technically the head of the Selective Service, he was definitely the foremost expert on manpower procurement for the military in the United States, and, for all intents and purposes, he served as the director even during Dykstra's short tenure. That said, there was one significant instance when Dykstra negotiated with Roosevelt over what exactly COs should be doing. Hershey still worked on the issue with Dykstra, and when Hershey took over for Dykstra, it was completely his show to run in all matters. What unfolds in the following pages is exactly how Hershey managed to do this and what his beliefs were considering the nature of Civilian Public Service.

Prior to the Selective Service Act of 1940, interwar planners did not see much of a need to change the wording of the law or the provisions set forth from the First World War in regards to conscientious objection. However, the deliberations over the issue during the summer of 1940 and the testimony of many supporters of conscientious objection made people realize that something needed to be done. What emerged from the 1940 law was legislated civilian control and an alternative form of service in the arena of "national importance." Though the Act was much more liberal than its World War I counterpart, it was not without its faults. For instance, the Act did not direct who (or what) was to be responsible for administration.<sup>1</sup> Nor did it provide a means of funding or determine where the boundaries of jurisdiction and control existed. The Act was not

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<sup>1</sup>*Conscientious Objection*, 157-158.

clear on how far civilian control went. There was also a question of just how “civilian” the Selective Service really was, as the Selective Service was equal parts civilian bureaucracy and military institution.

As conscientious objection was a multifaceted issue, there were a number of problems that needed to be addressed. One group of COs, the absolutist objectors who objected to any form of government service, presented special problems, but the provisions in the Selective Service Act neglected to address them. There were precedents overseas for dealing with absolutists, such as the British system of conscription, which provided for them, but the United States did not have such a mechanism in place.<sup>2</sup> It was Hershey’s belief that all must serve in some capacity, so he contended that the absolutist either had to serve in CPS or go to prison. Furthermore, the National Service Board for Religious Objectors (who dealt directly with Hershey and is a major focus of this study) saw the absolutists as outside of their realm. As M. R. Zigler, Chairman of NSBRO and member of the Church of the Brethren said, “We did not feel that it was our responsibility to work for that group. However, we did not work against them on their position. We felt they should organize themselves, as we were, and if the government granted them

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<sup>2</sup>Along with alternative service for those who objected to military service, the British government also provided complete deferments for absolutists who objected to any form of government service. Britain also possessed a stronger precedent than the United States for dealing with COs, as the British government provided alternative service during the First World War. See Sibley and Jacob, 2-7.

privilege, okay.”<sup>3</sup> Though there would be a few discussions of the absolutists, the overwhelming concern was with civilian servant objectors in Civilian Public Service.

Of the three groups of conscientious objectors, noncombatants had the simplest means of gaining recognition. An executive order issued by President Franklin Roosevelt on December 6, 1940 thoroughly defined noncombatancy and what jobs in the army fell under those parameters. Roosevelt defined noncombatant service as,

- (1) Service in any unit which is unarmed at all times
- (2) Service in the medical department wherever performed
- (3) Service in any unit or installation the primary function of which does not require the use of arms in combat, provided the individual’s assignment within such unit or installation does not require him to bear arms or to be trained in their use<sup>4</sup>

He further clarified the issue by stating that noncombatant training was to mirror regular military training with the notable exceptions of “marksmanship, combat firing, target practices, and those subjects relating to the employment of weapons.”<sup>5</sup> In practice, this meant that noncombatant COs labored in the quartermaster corps, decontamination units, the signal corps, or engineering units until Secretary of War Henry Stimson declared in January 1943 that all noncombatant COs were to serve in the medical corps.<sup>6</sup>

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<sup>3</sup>M.R. Zigler, "The Organization and Functioning of CPS: M.R. Zigler," in *We Have Just Begun to Not Fight: An Oral History of Conscientious Objectors in Civilian Public Service During World War II*, ed. Heather Frazer and John O'Sullivan (New York: Twayne, 1996), 5.

<sup>4</sup>U.S. President, Executive Order 8606. (Document printed in *Conscientious Objection*, 5.)

<sup>5</sup>*Ibid.*

<sup>6</sup>Eller, 28.

Roosevelt's executive order took care of the noncombatant CO, but there was still much work to be done for the civilian servant. Indeed, much had been going in for months prior to the noncombatant executive order. Planning for a program of civilian alternative service began almost immediately following passage of the Selective Service Act. On September 17, Harold Evans, Clarence Pickett, Ray Wilson, Ross Murphy, and Paul French of the Friends War Problems Committee visited Hershey and Frederick Osborne (of President Roosevelt's advisory board). Hershey made it clear that he would like to establish an advisory board to deal with conscientious objectors and leave all CO matters to it. There were also discussions among the Friends War Problems Committee about the specifics of an alternative service program, ranging from questions on pay to registration.<sup>7</sup> At this point in time there appeared to be more questions than answers, and it was only through cooperative efforts could anything be solved.

Clearly, there were problems to fix and they needed to be remedied quickly. A memorandum dated September 24, 1940 circulated around the National Headquarters of the Selective Service calling for an "informal conference" of a number of "national agencies" such as the Works Progress Administration (WPA), the Civilian Conservation Corps (CCC), and the Public Health Service to outline plans for administering COs in their national service. The earliest planning for alternative service occurred in the Manpower Division of the Selective Service. The Manpower Division decided quickly that the best way to implement programs in the shortest amount of time was to use agencies and projects that already had infrastructure in place. The most obvious

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<sup>7</sup>French Diary, September 23, 1940.

candidate was the Civilian Conservation Corps from the New Deal, with its soil conservation and forestry programs. In outlining their plans, there was much cooperation between the CCC, the War Department, the Department of Agriculture, and the Department of the Interior, among others.<sup>8</sup>

Most of the initiative for institutional development and direction came from Hershey, particularly in his early personal meetings with Paul French, representing the Society of Friends. On September 30, Hershey asked French if it was possible for the Peace Churches to oversee all the civilian servant conscientious objectors. Two weeks later, on October 15, Hershey posed the question again, outlining his view more precisely as he added that "... no one in the Government service had given much thought to this problem [civilian servant COs] " and he believed that it was the churches' place "to make concrete and specific suggestions along this line."<sup>9</sup> Hershey also initiated a discussion that led to greater organization among the Peace Churches.

The Selective Service realized that the differing opinions of the Peace Churches involved created even more confusion and difficulties.<sup>10</sup> The first to suggest a more streamlined approach for the Peace Churches was Hershey. The idea for what eventually became the National Service Board for Religious Objectors emerged from a meeting between Hershey and Paul French.

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<sup>8</sup>*Conscientious Objection*, 158-159.

<sup>9</sup>Gingerich, 56; and Sibley and Jacob, 116.

<sup>10</sup>*Conscientious Objection*, 160.

Representing the Society of Friends, French came to Hershey's office to discuss administrative matters concerning COs, including guidelines for the state directors. Hershey asked French if he spoke for all COs or if Hershey had to deal with each individual church or sect. French's reply was that he "probably represented the feeling of all the religious groups" on the issues of registration invalidation and state director information. Hershey was interested in setting up a civilian board for the explicit purpose of dealing with conscientious objection, but he made it clear that he was unwilling to proceed in that direction until President Roosevelt had appointed the head of the Selective Service. French readdressed the point that many of the COs chafed under the idea of government control and suggested that a civilian organization such as the American Friends Service Committee needed to be involved.<sup>11</sup>

It was Hershey's next idea in the meeting that really got things rolling. Hershey put forth the idea that the AFSC administer the CO programs and asked how much money the Friends would want from the government to finance this. French responded that the Friends probably would not accept funds from the federal government, but he could not speak for everyone on that point. Hershey and French went on to discuss the nature of religion and asked French exactly what the Peace Churches wanted for civilian service. Hershey reassured the churches about his sympathy for matters of conscience and

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<sup>11</sup>French Diary, October 2, 1940. At this point in time, Hershey was the Acting Director of the Selective Service as President Roosevelt had not yet filled the position permanently.

religious liberty, saying that “if he [Hershey] was named director [the Peace Churches] would have no difficulty in working out a mutually satisfactory arrangement.”<sup>12</sup>

French returned to his colleagues with the message that the Mennonites, Brethren, and Society of Friends needed to cooperate under the leadership of the American Friends Service Committee. The Brethren and Mennonites, however, felt that a more cooperative and equal relationship was in order.<sup>13</sup> On October 5, representatives from the Historic Peace Churches voted in favor of

recommendations prepared by the committee of Friends, Mennonites and Brethren in Washington and presented by Ray Newton regarding a possible continuing set-up in Washington, D.C., to work on behalf of the religious conscientious objector. It is understood that the organization will be composed of the Friends, Mennonites and Brethren, and this organizing committee will determine the policy governing issuance of invitations to other organizations....<sup>14</sup>

Those recommendations constituted a two-fold approach to conscientious objection. The organization’s mission was to keep the church constituency informed and to serve as a unified voice on behalf of conscientious objectors to the federal government. Other religious denominations, churches, and sects could be members, but the organization limited membership to religious groups (keeping in line with the wording of the Selective Service Act, no less). The Historic Peace Churches had the representatives on the general committee and covered the expenses.<sup>15</sup>

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<sup>12</sup>French Diary, October 2, 1940.

<sup>13</sup>Gingerich, 54-55 (quote printed in Gingerich).

<sup>14</sup>*Ibid.*, 55. Quote is the wording of the Mennonite Central Peace Committee, appearing in Gingerich.

<sup>15</sup>*Ibid.*

Thus, the Peace Churches established the National Council for Religious Conscientious Objectors on October 11, and after merging with the Peace Churches' Civilian Service Board on November 26, they changed the name to its World War II title of the National Service Board for Religious Objectors. The Executive Board of NSBRO was made up of representatives from the Brethren Service Committee, the Mennonite Central Committee, and the American Friends Service Committee.<sup>16</sup>

The establishment of NSBRO was incredibly significant, and Hershey's role in its formation was pivotal. NSBRO was the unified voice for COs in Washington, and for the duration of the war, any changes in policy or camp operations involved NSBRO in some way. Although the Historic Peace Churches were more cooperative with one another than in World War I because of the interwar conferences, Hershey's suggestion that they present a single voice to him spurred them to establish an interdenominational organization devoted solely to matters of the conscientious objector.

Those working with the Selective Service had a variety of stances towards the concepts of service and toward administration of alternative service. Ideas came in from all parts of the spectrum. Some favored service "on an individual basis," with COs working as a singular entity, not in work camps with supervision. Others wanted much sterner "Government operated and strictly disciplined camps." A significant and convoluted problem was the individual CO's stance towards service. Because of the varied nature of individual beliefs, the Selective Service faced a problem in trying to account for all individual variances, clearly an impossible task. Some COs were willing

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<sup>16</sup>*Conscientious Objection*, 160; and Gingerich, 55.



to labor in defense work as long as they did not have to serve in the military. Others went so far as to refuse to plant a single seed or harvest a single grain if its use was to feed the army. It became clear that most COs would not work in defense industries, so the Selective Service shied away from war work as much as possible. Further compounding dissatisfaction in the earliest stages was that a system for alternative service was taking longer than anticipated.

The Peace Churches were leery of anything that smacked of government control. To compromise, the government eventually took over old CCC projects and used the existing infrastructure, working with the Forest Service and the Soil Conservation Service under the Department of Agriculture.<sup>17</sup> Furthermore, Hershey's belief in decentralization of the draft led to more leeway in matters of individual conscience, leaving classification in the hands of the local draft boards.

From the passage of the Selective Service and Training Act until October, Hershey was in charge of the Selective Service as the acting director. President Roosevelt had not yet appointed anyone permanently to that position. Hershey had much support throughout the government, but the President wanted to illustrate civilian control of the draft as much as possible, even though most of the men working in the Selective Service National Headquarters were military personnel. So, instead of appointing Hershey to the post, Roosevelt named University of Wisconsin-Madison President Clarence Dykstra the Director of the Selective Service on October 12. At the behest of Secretary of War Henry Stimson, Roosevelt named Hershey Deputy Director, and he

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<sup>17</sup>*Conscientious Objection*, 160-161.

received a promotion to Brigadier General. When Dykstra arrived in Washington, he recognized Hershey's expertise and granted him wide latitude in administrative and executive decisions. Though the decision to appoint Dykstra over him surely disappointed Hershey, the two men worked together adequately.<sup>18</sup>

By the middle of October, there was still no alternative service program in place and Hershey reiterated to French that the Historic Peace Churches needed to present him with a plan. The question of specific types of projects, administration, and funding still loomed. There was discussion between Hershey and French of medical students working in depressed urban sections of large cities or "sharecropper areas," an idea that Hershey supported. Hershey reiterated that the Peace Churches needed to state clearly what they were willing to do, how many units were necessary, and how much money they needed to fund the program. Hershey also recognized that not much more could be done until the Peace Churches presented him with more specific information. He told French, "You fellows want to make up your minds as to what you want to do and how it ought to be done and we are in a position to talk intelligently about it." He also stated there needed to be a discussion of responsibility for the men. Specifically, would responsibility lie with the Federal Government or the Peace Churches, or would the two share the responsibility?<sup>19</sup>

Finally, on November 12, the National Council for Religious Conscientious Objectors presented its initial plan to Hershey and the Selective Service. A product of

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<sup>18</sup>Flynn, *Lewis B. Hershey*, 75; and Flynn, *The Draft*, 23.

<sup>19</sup>French Diary, October 15, 1940.

negotiations among the Council, Dykstra, Hershey, and a Major Guiton Morgan of the Selective Service, the plan outlined three possible avenues of service for the CO. The first type of work was working directly with the federal government. These men would be paid, but not more than what their equivalent in the military would receive. The government would directly supervise them, and the camps would receive full government financing. The second type was in camps working for the agencies of the government (such as the Forestry or Soil Conservation Service), but the Brethren Service Committee, the American Friends Service Committee, or the Mennonite Central Committee would administer the camps. Under this plan, the government would pay for the facilities, and the churches would pay for administration and support. This also gave the CO the choice to work for free or they could receive pay from the government, again at the military scale. The final option was complete control by the Peace Churches, with additional agencies to be approved by the Director of Selective Service. This part of the plan provided complete autonomous control over finance and administration for the churches. Furthermore, the Peace Churches already had locations in service ready as alternative service camps for COs.<sup>20</sup>

However, from the point of view of the Selective Service, a number of questions remained. One of the largest was who was responsible for financing. The Peace Church plan called for dual control, but that did not necessarily assure civilian control if there was government money involved. There were other questions, such as the legality of the

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<sup>20</sup>French Diary, November 14, 1940; and Memorandum from National Council for Religious Conscientious Objectors to Selective Service. Printed in *Conscientious Objection*, 162.

entire plan, what specific types of work would be done, where the programs would be located, how many COs would perform alternative service, how the local boards would report those filing for CO status to National Headquarters of the Selective Service, what their status would be after one year, and the possibility of parole to civilian service camps for those incarcerated for draft law violations.<sup>21</sup>

A letter from Hershey to French on November 28 reflected these many uncertainties. “In line with our conversation of recent date,” he wrote, “it appears that it is not possible at this time to make any definite statements regarding the final plans for a program of work of national importance to which conscientious objectors may be assigned.” Hershey spoke for all of the Selective Service when he outlined some of their thoughts on the types of camps, which were not altogether different from those of the Peace Churches. They considered four types of camps: camps run completely by the government, camps working for government agencies but financed and administered by “some religious or private agency,” camps financed and administered completely by religious groups, and camps run by state and local governments. However, Hershey reiterated that all of these ideas were tentative and subject to government approval, just as were the proposals of the Peace Churches.<sup>22</sup>

By early December 1940, there was finally some consensus within the Selective Service on some matters. Those involved decided that it was time for President

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<sup>21</sup>*Conscientious Objection*, 163.

<sup>22</sup>Lewis B. Hershey to Paul French, November 28, 1940, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

Roosevelt to firmly define “work of national importance.” They also urged that authority over an alternative service program needed to be in the hands of the Director of the Selective Service. Furthermore, the Selective Service wanted the Director to coordinate the efforts of the various entities to secure funding, issue regulations and steer the direction of the programs, and establish administration for alternative service.<sup>23</sup>

By late November, at the same time the Selective Service was beginning to come to a consensus on the matters mentioned above, the Historic Peace Churches and the Selective Service were ready to submit a program for alternative service to President Roosevelt. This was the point at which alternative service hit a major roadblock. Roosevelt rejected the plan during a meeting with Dykstra on November 29. Roosevelt was quite vehement in his opposition to the proposal. Dykstra told French that the president had “expressed instant and aggressive opposition to the plan.” Roosevelt believed that working in soil conservation in the CCC was “too easy for them.” Furthermore, he believed that COs needed to be drilled by a military officer, apparently having learned nothing from the embarrassments of the First World War.<sup>24</sup> Dykstra knew that an alternative service program needed to go in a different direction. He began to discuss matters with one of Roosevelt’s personal assistants, Lowell Mellett, and changed

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<sup>23</sup>*Conscientious Objection*, 163.

<sup>24</sup>Paul French to Clarence Pickett, December 3, 1940, (document printed in Philip Jacob, ed., *The Origins of Civilian Public Service: A Review of the Negotiations During the Fall of 1940 between Government Officials and Representatives of the Churches Most Immediately Affected by the Drafting of Conscientious Objectors* (Washington, D.C.: National Service Board for Religious Objectors).); *Conscientious Objection*, 164; and Albert Keim, "Service or Resistance? The Mennonite Response to Conscription in World War II," *The Mennonite Quarterly Review* 52, no. 2 (April 1978): 153.

some of the particulars of the alternative service plan. In a December 5<sup>th</sup> meeting with officers of the Selective Service, Mellett, and members of the Peace Churches, Dykstra asked if the Peace Churches were willing to pay for CPS. As it stood, Dykstra did not think they could get government funds without going through Congress and that probably meant there would be no service under Peace Church administration. Furthermore, Roosevelt's opposition to the initial plans meant that paying men in CPS was out of the question. Therefore, the Peace Churches decided that if there was to be an alternative service plan under them, they would have to pay for it. They decided the Peace Churches would assume financial responsibility until the end of the Federal Government's fiscal year, but only on a trial basis.<sup>25</sup>

Roosevelt's view here is both intriguing and perplexing. On one hand, he was a religious man whose views shaped his actions towards the poor and he had a concern for humanity. On the other, he had somewhat of a military background with his cabinet post during the First World War. That being said, Roosevelt's role in conscientious objection was a small one at best, and his significance was more as a delegator than as an active participant. His eventual appointment of General Hershey as the supreme figure in all CO matters was of profound significance. In certain instances on the matter of conscientious objection (such as his rejection of the initial plan), Roosevelt made his voice heard. His background was definitely not one that was sympathetic to conscientious objection. Roosevelt was born into a life of extreme wealth and privilege and gained his education at the some of the best American schools: Groton boarding

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<sup>25</sup>French Diary, December 10 & 16, 1940; and Jacob, ed., 7-8.

school, Harvard, and Columbia Law. Roosevelt was a lifelong politician, beginning with his election to the New York state senate in 1911. He had something of a military background with his position as Assistant Secretary of the Navy from 1913 to 1920, during the Woodrow Wilson presidency. Though he lost the 1920 election as vice president under James M. Cox, he had a bright future in front of him until poliomyelitis or Guillian-Barré syndrome (sources differ) paralyzed him from the waist down. Undeterred, Roosevelt won the election for governor of New York in 1928. Once the economic abyss of the Great Depression set in, the popularity of President Herbert Hoover plummeted, and Roosevelt won the election of 1932 in a landslide. Until the years of World War II, Roosevelt's name was synonymous with attempted economic recovery in the form of the New Deal.<sup>26</sup>

Though a man of wealth and privilege, Roosevelt possessed a distinct sense of compassion for those less fortunate. It is in his personal beliefs that a few glimmers of Roosevelt's conceptualization of conscientious objection appear. Roosevelt was a religious man. In the words of one author, "... he held religion – his own and that of others – to be a highly personal and sacred matter. People around him of all faiths (and of none) were impressed by his religious sincerity and simplicity."<sup>27</sup> His belief in Christianity and the teachings of Jesus Christ influenced his concern for humanity, and he saw problems in the government and society as problems of morality. He had a particular

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<sup>26</sup>Jean Edward Smith, *FDR* (New York: Random House, 2007), 19-29, 47, 92-95, 99-116, 165-186, 191, 228-247, 287.

<sup>27</sup>Thomas H. Greer, *What Roosevelt Thought: The Social and Political Ideas of Franklin D. Roosevelt* (East Lansing, MI: Michigan State University Press, 1958), 4.

disdain for interdenominational and sectarian disagreements on religion. For him, “It [was] between belief and unbelief.”<sup>28</sup>

Yet his actions when presented a plan for alternative service do not really reflect that religious sincerity. There is little scholarship on Roosevelt’s views toward conscientious objection. The most recent biography of FDR by Jean Edward Smith does not mention the issue at all. David Kennedy briefly mentions conscientious objectors in his landmark work *Freedom From Fear*, but again, there is no discussion of Roosevelt’s views on the issue. Though Roosevelt was a religious man and professed a belief in the teachings of Jesus Christ, that belief did not progress into a true sympathetic attitude or a blanket deferment for COs. According to Keim, Roosevelt’s attitude towards the matter was “prickly.”<sup>29</sup>

On December 19, Roosevelt agreed to allow for the alternative service plan, with NSBRO and the Peace Churches responsible for administration and finance for the camps. On December 28, NSBRO decided to call the program Civilian Public Service.<sup>30</sup> Once Historic Peace Churches and the Selective Service worked out CPS’s particulars, Roosevelt officially approved the program with an executive order on February 6, 1941. The order placed the power for establishing alternative service in the hands of the Director of Selective Service.<sup>31</sup> Once Hershey became the Director of Selective Service,

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<sup>28</sup>*Ibid.*, 5.

<sup>29</sup>Keim, "Service or Resistance?," 153.

<sup>30</sup>French Diary, December 22 & 28, 1940.

<sup>31</sup>*Selective Service in Peacetime*, 191-192.



his authority was usually the determining factor for resolving issues. Roosevelt's executive order of February 6 firmly established this power. It read,

By virtue of the authority vested in me by the Selective Training and Service Act of 1940 (Pub. No. 783, 76<sup>th</sup> Cong.), it is hereby ordered as follows:

1. The Director of Selective Service, hereinafter called the Director, is authorized to establish, designate, or determine work of national importance under civilian direction to which may be assigned persons found under section 5(g) of the Selective Service and Training Act of 1940 to be conscientiously opposed to participation in combatant and noncombatant training and service in the land and naval forces of the United States.
2. The Director shall make the necessary assignments to such work, shall determine the agencies, organizations, or individuals that may provide civilian direction thereof, and shall have general supervision and control over such work.
3. To the extent that he may deem necessary to carry out the provisions of this order, the Director may utilize the services of the Departments, officers, and agents of the United States: accept the services of officers and agents of the several states, territories, and the District of Columbia, and the subdivisions thereof; and accept voluntary services of private organizations and individuals; and may obtain, by purchase, loan or gift, equipments and supplies from Federal and other public agencies and private organizations and individuals, with or without advertising or formal contract.
4. The Director is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this order.<sup>32</sup>

Roosevelt's manner of leadership was one of delegation, and this order was no exception.

Now, all matters of conscientious objection came to the desk of the Director of the Selective Service. The director could decide on the matter or delegate the decision to some other agency, depending on his own interpretation. Thus, once Hershey assumed the director's position later that summer, he had the explicit authority to determine the

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<sup>32</sup>U.S. President, Executive Order 8675. (Document printed in *Conscientious Objection*, volume II, 7).

course of conscientious objection.<sup>33</sup> So it was that the beliefs and philosophy of Lewis Hershey came to shape conscientious objection in World War II and establish precedents that influenced the rest of the twentieth century.

In late January, just a couple of weeks prior to Roosevelt's executive order, Hershey, Dykstra, and French went to Philadelphia for a dinner meeting with other Quaker leaders hoping to discuss CPS. On the train back to Washington, a revealing discussion developed between Hershey, French, and Dykstra. Hershey's Army War College thesis covered fear as a factor in leadership, and he began to discuss a report he had prepared for the General Staff concerning how fear affects soldiers. According to French,

[Hershey] had developed the fact that human beings are incapable for a long period of time of participating in modern warfare without cracking their nervous systems. His study finished with the suggestion that the real solution of the problem of fear in soldiers was to end war. It was a perfectly fascinating point of view from an Army officer.

Hershey felt that if modern war was continued the result would be that only morons would survive and that all persons of intelligence would rapidly and quietly go insane.<sup>34</sup>

Dykstra was so enamored of Hershey's arguments that he raptly listened to Hershey the entire trip back.<sup>35</sup> This is an excellent example of Hershey's complexities as a military officer. He despised war but championed service. He believed in the universal duty for

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<sup>33</sup>Hershey became Acting Director of Selective Service upon Dykstra's resignation in April.

<sup>34</sup>French Diary, January 22, 1941.

<sup>35</sup>*Ibid.*

all eligible men to serve, but strongly defended their right to object. He was a complicated man with a well-reasoned view of the world around him.

It was March 1941 before the Selective Service formally declared that there were five camps ready for “immediate use.” That did not translate into immediate action, nor finalized organization, though. They still had to work out projects for conscientious objectors in the camps. In a meeting with French, Hershey reiterated that the Peace Churches needed to take the initiative in looking for projects that interested them and submit them to the Selective Service for approval. He reminded French that the director (Dykstra) had ultimate authority, but Hershey instructed the Manpower Division to work with NSBRO on the issue. He also wished to be flexible in searching for projects, not wanting to be bound to any one particular government agency. He told French to keep looking for new projects, because if they did not, CPS men could be stuck working in soil conservation until 1945. He also supported COs working in an urban setting, but he believed this had to be handled in a careful and deliberate manner so as not to rile public opinion against COs or the Selective Service. Hershey also desired to appoint a man reporting to him on the operation of the individual camps. Though Hershey hated inspections in the army (keeping in line with his distinct unmilitary bearing), and wanted to avoid that sort of activity with the COs in the camps, he believed that in a relationship requiring cooperation between the Selective Service and the Peace Churches, him needed

someone close to him to make sure the churches did not have any problems with the agencies for whom they worked.<sup>36</sup>

In April, a change occurred at the top of the Selective Service that remained in place for the next twenty-nine years. Clarence Dysktra, fighting poor health and problems back at the University of Wisconsin, resigned as the Director of Selective Service, leaving Hershey as Acting Director once again. Hershey served in that capacity until July 31, when Roosevelt accepted the obvious and made Hershey the Director of Selective Service.<sup>37</sup> With Roosevelt's executive order and Hershey's official position as Director, Hershey's ability to shape the direction of conscientious objection was law. It remained so throughout the war.

On May 8, Hershey made another pivotal decision by establishing the Camp Operations Division within Selective Service. Camp Operations was responsible for all administrative and executive procurement for the alternative service camps.<sup>38</sup> Although the churches were going to pay for the camps and essentially run them, it was only going to be through the oversight of the Selective Service. To head the Camp Operations Division, Hershey chose one of his oldest friends from his National Guard days, Lewis Kosch. Kosch had served with Hershey in Mexico, France, and they remained in contact

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<sup>36</sup>French, Untitled Meeting with Lewis Hershey, March 28, 1941, Correspondence with Lewis B. Hershey, January-August, 1941, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>37</sup>*Selective Service*, September 1, 1941; and Flynn, *Lewis B. Hershey*, 75.

<sup>38</sup>*Conscientious Objection*, 165.

between the two wars.<sup>39</sup> It was Hershey's desire to have someone he trusted that brought Lewis Kosch to the head of the Camp Operations Division. According to French, Hershey told him that

he planned to bring a personal friend into Selective Service to act in this capacity for him and that he hoped that he and his new appointee could personally get to know each of the camp directors and camp staffs so there would be a common understanding by Selective Service of the program and an understanding by our directors of what limitations Selective Service labored under. He expressed the hope that after he got to know the camp directors they would find out he didn't have a tail and horns.<sup>40</sup>

The ascendancy of Kosch to the head of Camp Operations in Selective Service proved to be a stressful experience for conscientious objectors. Kosch eventually proved that he was not as sympathetic as Hershey, but he was not oppressive in his negotiations with NSBRO, either. While Kosch may not have been the first choice of many in the Historic Peace Churches, by the end of the war, he proved to be a capable man in this administrative position.

Aside from his desire to enlist an old army buddy in a position of authority, Hershey also displayed a well-reasoned understanding of the new direction the military, the government, and religious groups were heading with the establishment of Civilian Public Service. He thought the Peace Churches and the Selective Service should work closely together "because we were both stepping out in a new path and we would need

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<sup>39</sup>Hershey Diary, 1916-1936, Trine University Lewis B. Hershey Papers, Angola, IN. There is no specific citation here, but after a reading of Hershey's diary entries (there are only entries from 1916-1923, with a book for 1936) it is clear that Hershey and Kosch were lifelong friends.

<sup>40</sup>Paul French, Untitled Meeting with Lewis Hershey Notes, March 28, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

each other,” according to French. Hershey believed that more government control could benefit the camps, as it might be possible for the government to procure items quicker than the Peace Churches. French expressed the emerging sentiment throughout the Peace Churches towards Hershey’s efforts regarding conscientious objection when he wrote, “His whole attitude at this point was excellent and I think we have nothing to fear here.”<sup>41</sup>

There were still problems getting men into the CPS camps in April. Speaking for the Peace Churches through NSBRO, French suggested to Hershey that the churches were willing to assume the responsibility of “day-by-day discussions with the various technical agencies of the government in regard to work programs and with the army people on inspections and equipment,” hoping to expedite the process. French made it clear they were not criticizing Camp Operations, but the churches believed they could do a better job.<sup>42</sup> Hershey’s replied that Camp Operations appreciated any help that the churches offered, but he and the Selective Service wanted Camp Operations to serve as the main liaison among COs, the Peace Churches, NSBRO, and the various government agencies under whom the projects occurred.<sup>43</sup> One can see that some of the stresses between the Peace Churches and the Selective Service, particularly Camp Operations, began to bloom, however slightly, in the spring of 1941.

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<sup>41</sup>*Ibid.*

<sup>42</sup>Paul French to Lewis B. Hershey, April 10, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>43</sup>Lewis B. Hershey to Paul French, April 16, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

The first CPS men reported to camp in Patapsco State Park, Maryland, on May 15, 1941. There were fifty men representing fifteen different denominations. COs who reported to Patapsco faced a large contingent of reporters and other officials. In the public comments he made for the opening, Hershey described CPS as more than just a simple alternative service program and he sincerely hoped it would be successful.

It is an experiment, an experiment such as no nation has ever made before. Through these camps for conscientious objectors we are going to find out whether our democracy is big enough to preserve minority rights in a time of national emergency. I don't know whether the experiment will work or not, but I hope and pray that it will.<sup>44</sup>

Hershey's comments again reflect his well-reasoned approach to the issue, recognizing the new concept of service to the government he, the Selective Service, and the Historic Peace Churches had developed.

There were still a number of questions confronting Hershey and the Selective Service as they chose the work projects and the camp sites during the rest of 1941. Selective projects for alternative service was a much more complex decision than simply selecting a form of work that fit the definition of "work of national importance." First, the project had to be important to the Federal Government, and it had to continue to be so through the foreseeable future. Second, the COs had to be willing to do the work, which could not conflict with the CO stance. Another criterion, and one that reflects the role of public opinion, was whether or not civilians near the camps would tolerate COs. It was possible that local civilians could hassle the COs to the point that the projects in a given

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<sup>44</sup>Robert E.S. Thompson, "Onward, Christian Soldiers!: The Nation's Conscientious Objectors Work Out Their Convictions," *Saturday Evening Post*, August 16, 1941, 27; *Selective Service*, May 1, 1941, 4; and *Conscientious Objection*, 165.

camp would fizzle. Furthermore, the Selective Service wanted to avoid displacing any established labor and did not want to arouse any “political controversy.” For those reasons, the Selective Service limited the first camps to those under the Department of Agriculture’s Forest Service and Soil Conservation Service, along with the Department of the Interior’s National Park Service.<sup>45</sup>

Working with the Department of Agriculture and the Department of the Interior showed great foresight, at least in the early stages. At this time, NSBRO saw the programs in the camps important, though that stance eventually changed. Also, both agencies (Agriculture and Interior) had experts in positions of authority, and that made the transition for COs into the camps somewhat smoother. Plus those two agencies were willing to use CO labor, a fact not lost on the Selective Service. That willingness proved to be helpful because, as Hershey later said when discussing the creation of CPS, “We went begging to find places to put them.”<sup>46</sup>

CO registration for the draft was the same as for those who did not object; it was only when appearing in front of the local board that things changed a bit. A man wishing to claim conscientious objector status filled out DSS Form 47, which outlined his background, education, and beliefs concerning peace, violence, and the use of force. The board then made its decision to classify the man according to the criteria. A man willing to serve in the military but not carry weapons received a I-A-O classification, while a

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<sup>45</sup>*Ibid.*, 166-167.

<sup>46</sup>Lewis B. Hershey, “Testimony Before the Subcommittee of the House Committee on Appropriations Considering H.R. 2935...,” in National Service Board for Religious Objectors, ed. *Congress Looks at the Conscientious Objector* (Washington, D.C.: National Service Board for Religious Objectors, 1943), 64; and Eisan, 74.



man unwilling to serve in the military received a IV-E classification and went in to Civilian Public Service. The local board could classify a man fit available for military service if it found the objector to be insincere or possessing a renunciation of war based on secular reasoning. Though the board's decision was usually final, there was an appeal process in place through the Department of Justice. The Department of Justice held a hearing on the objector's sincerity, which became the basis for a recommendation to an appeal board. The decision of the appeal board was the final word on a man's classification. Though the objector's appeal had to go through the Department of Justice, the appeal board was not bound by its recommendations. Through December 7, 1941, there were 1,960 appeals, of which 206 received a IV-E classification, 93 were I-A-O, and 240 cases were rejected. The rest of the appeals did not meet the Department of Justice criteria because the objectors had not yet received their local board classification. Of all of the reclassifications, the appeal board did not concur with the Department of Justice in only 48 cases. The Selective Service structured an appeal process in this manner because there was a belief that local boards might be somewhat unsympathetic toward conscientious objectors.<sup>47</sup>

As director, Hershey wanted all the appeal cases sent to NSBRO to be referred to him. He was not able to read all of them (that job fell to one of his assistant directors, Colonel John Langston), but he did read a fair amount. He sometimes would override the decision of his appeal board, but mostly he wanted to form a general idea of what was happening in the appeals process. He even said he was willing to review personally all

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<sup>47</sup>*Selective Service in Peacetime*, 194-195.

appeal cases turned down by a hearing officer in New York when there were concerns over that officer's fairness. He also made it clear that there were no absolutes in classifying conscientious objectors. There was no way to satisfy everyone, and sometimes an objector received an incorrect classification (such as a sincere objector receiving no I-A-O or IV-E classification). As French presented Hershey's attitude on the subject in a NSBRO bulletin, "He [Hershey] pointed out, however, that we must realize that while we are all seeking absolute justice we are likely to fall short of the goal, as no judicial system has yet been devised to assure complete justice in every case." French pointed out to his constituents, though, that Hershey was making a strong effort to be as fair as possible and uphold the legal provisions for conscientious objectors.<sup>48</sup> Hershey's approach on this matter reflects his pragmatic attitude towards the CPS experiment. There was no way that the program was going to be perfect, and he sought to provide for COs in the best way that he saw possible. However, he also recognized that there were limitations to the system.

Some trepidation existed within the Selective Service over extending the privilege of conscience to individuals from other religions and denominations besides the Historic Peace Churches, largely because of the pressure this put on the local draft boards. For example, draft boards with veterans or members who did not fully understand the stance of the Peace Churches may not have been sympathetic. From Hershey's point of view,

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<sup>48</sup>National Service Board for Religious Objectors, "Bulletin #118," December 2, 1941, Swarthmore College Peace Collection, Swarthmore, PA; and French Diary, November 6, 1941; and Memorandum on Conversation with General Hershey – Sibley and Jacob, July 26, 1946, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA, 5.

though, "...the Selective Service [did] a fair, conscientious, and understanding job with the conscientious objectors."<sup>49</sup> Eventually, some unhappy objectors or Peace Church administrators came to say that the Selective Service was not "fair, conscientious, and understanding," but there are two problems with that point of view. First, Hershey did the best he could in helping to shape a much more liberal policy towards conscientious objectors. There was almost no precedent for alternative service, and Civilian Public Service represented the best compromise possible at the time. Second, the situation could have been much worse, particularly if the Director of the Selective Service had been someone with little tolerance for religious liberty or conscientious objection (such as General Leonard Wood during the First World War).

The length of service in CPS was initially one year, exactly the same as for those men drafted into the armed services. When Congress extended the term of service to eighteen months, the length of service for CPS men grew to eighteen months as well, though, just like the armed forces, the government released men over the age of twenty-eight.<sup>50</sup> Any CPS man discharged after the age of twenty-eight remained in a reserve to be recalled if the same thing happened in the military.<sup>51</sup> Therefore, the terms of service in CPS mirrored those in the armed forces. This was truly service to one's country in an alternative matter just as Lewis Hershey had envisioned. He saw a parallel between those

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<sup>49</sup>*Selective Service in Peacetime*, 193-194.

<sup>50</sup>*Ibid.*, 200.

<sup>51</sup>National Service Board for Religious Objectors, "Bulletin #114," October 17, 1941, Swarthmore College Peace Collection, Swarthmore, PA.

serving in the CPS camps and the draftees in military uniform. To him, they were to be treated similarly, whether armed or unarmed.<sup>52</sup>

It needs to be remembered that throughout 1941, the Peace Churches, Hershey, and the Selective Service still thought of CPS as an experimental program. As such, there was the possibility of going in a different direction. However, Hershey truly wanted CPS to work, had said as much publicly, and his desire for success to NSBRO as well.<sup>53</sup> The government's treatment of COs during the First World War was also on his mind during this formative time. Hershey's ideas on the subject came out in public statements, personal letters, and in his meetings (both formal and informal). For example, he, Kosch, and French traveled to Lancaster, Pennsylvania in August to meet with a local Amish leader. After a meal at the man's house, Hershey sat on the back fence and mused on the problems of conscience and service for two hours. After the meeting, Hershey and those accompanying him met with three Lancaster County draft boards. Hershey explained to the board members that he wanted to make sure that the matters of conscience were being dealt with in an intelligent and discrete matter to avoid the problems of World War I.<sup>54</sup>

Negative public reactions from certain quarters were also a concern for Hershey. Hershey said at a CPS conference at Winona Lake, Indiana in early September that a majority of Americans supported the idea of alternative service but that ninety-eight

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<sup>52</sup>French Diary, September 2, 1941.

<sup>53</sup>Thompson, 27; and French Diary, June 18, and October 3, 1941.

<sup>54</sup>French Diary, August 1, 1941.

percent probably did not agree with the stance of the Peace Churches. He said there was no way of knowing if support for CPS would last, especially given public opinion. He believed that the CPS projects needed to be carefully thought out to avoid arousing negative publicity. However, he reiterated that he thoroughly believed in the mission of CPS and those administering it.<sup>55</sup> This was not the only occasion Hershey spoke on public opinion as he gently reminded the Quakers that they could expect tolerance, but not understanding from the American public.<sup>56</sup>

By October of 1941, it appeared that the experiment in alternative service was not working as planned. To the Selective Service, the biggest problem was the lack of discipline and order in the camps.<sup>57</sup> A distinct lack of regulation and organization in the Quaker camps troubled Kosch, who had been traveling to various camps to observe. The issue troubled Hershey, too, but Kosch was quite concerned. However, Kosch also tended to be much more reactionary and intemperate compared to Hershey's calm and pragmatic demeanor. Kosch's response to the situation was to threaten to take complete

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<sup>55</sup>French Diary, September 2, 1941.

<sup>56</sup>French Diary, November 5, 1941.

<sup>57</sup>There was resistance to CPS from a few assignees throughout the war. This was not limited to the Quaker camps, but Hershey and Kosch did express a fair amount of frustration toward the AFSC in this regard. Some of what the Selective Service considered discipline problems was noncooperation, deliberate inefficiency, vandalism, sabotage, refusal to work, and refusal to follow camp rules. This resistance in CPS was one of the major reasoning for establishing the government-run camps later in the war, particularly for those objectors who chafed under church administration. Though Hershey (and the law) was clear about the religious dimensions of objection, some secular objectors slipped through the system and many of them caused a fair amount of trouble in the camps. See Sibley and Jacob, 271-278 and *Conscientious Objection*, 233, 235.

control of the Quaker camps in a month to six weeks. Hershey agreed something needed to be done, but he was not as threatening and appeared much calmer than Kosch. French and Clarence Pickett, though, agreed to make some administrative changes to improve camp cleanliness and the punctuality of work details (with some help from Hershey when he met with other Quaker leaders along with French on November 5).<sup>58</sup> Though the issue did not appear again in 1941, the discipline in the Friends' camps was an issue at times throughout the rest of the war.

One of the major disagreements between the Historic Peace Churches and the Selective Service during the years of CPS was the confusing issue of administration. Many Peace Church representatives did not care for what they perceived as an increasing dictatorial relationship from the Selective Service. This issue became a flash point during the latter part of 1943, but one sees examples of it beginning to emerge in the early days of CPS. For example, during a trip to inspect a CPS camp in Indiana with Thomas Jones, the first director of Friends Civilian Public Service, Kosch listened to Jones muse about the vision he had for the future of CPS. According to Jones, Kosch became increasingly irritated and finally exclaimed, "Who in the hell do you think you are? Don't you know that I am in charge of these camps under Selective Service?" Jones replied that he did not realize that and he thought the Peace Churches were free to administer CPS as they chose. Kosch laughed and said, "My dear man, the draft is under the United States Government operation. Conscientious objectors are draftees just as soldiers are. Their activities are responsible to the Government. The peace churches are only camp

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<sup>58</sup>French Diary, October 28, 29, November 1, 5, 1941.

managers. Do you understand that?”<sup>59</sup> Though Hershey believed similarly as Kosch, that CPS was under Selective Service jurisdiction, he likely would have been much more diplomatic in his language. That said, these misunderstandings would lead to more heated negotiations later during the war.

By the late fall of 1941, Hershey was growing increasingly unhappy with Kosch as the Director of Camp Operations. He did not think the program was working as well as it could be, and he toyed with the idea of making some changes in the Camp Operations division of Selective Service. Hershey sought input from French on replacing Kosch and another officer with French himself. French disagreed, thinking it might be better to have a military man like Kosch in the position because he could be “our best defense when emotionalism and hysteria develop....” Though no changes were made at that point in time (Kosch remained Director of Camp Operations for the rest of the war), Hershey had made it clear to French that he was willing to replace Kosch if it would help the administration of CPS.<sup>60</sup> Though Hershey sometimes succumbed to cronyism, he was not above making a change if it became necessary. This incident also shows Hershey’s respect for the Peace Churches, since he was willing to appoint a Quaker, and Washington representative for all COs, to a post directly by his side as the Director of Camp Operations.

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<sup>59</sup>Thomas E. Jones, *Light on the Horizon: The Quaker Pilgrimage of Tom Jones* (Richmond, IN: Friends United Press, 1973), 141-142; Sibley and Jacob, 311. This conversation is recounted in Jones’s memoir, noted above.

<sup>60</sup>French Diary, November 15, 1941.

In September, the Peace Churches decided to extend the experimental CPS program to January 1, 1942 as long as Selective Service agreed to take over payment for the improvement of camps. The churches were also willing to extend the program even longer, possibly to 1943 or 1944, if the government extended funding further and permitted more options for alternative service, such as work in mental hospitals, on farms, and overseas relief and rehabilitation efforts in Mexico, South America, Great Britain, and China.<sup>61</sup>

In late November, the Peace Churches officially decided to extend the program to at least 1943. Clarence Pickett of the Society of Friends, M. R. Zigler of the Brethren, Orie Miller of the Mennonites, and French met with Hershey on November 26, informing him of the Peace Churches' decision.<sup>62</sup> Hershey accepted the suggestions of the Peace Churches for extending the program and agreed to pay for "maintenance and repair of camps with the exception of camps owned or leased by church organizations." He also said the government would pay for shipping and handling of CPS camp orders and that the Selective Service was willing to examine new projects. Hershey was adamant,

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<sup>61</sup>Paul French to Lewis B. Hershey, September 10, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA; and Paul French to Lewis B. Hershey, October 21, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA; and M.R. Zigler, Clarence Pickett, and Orie Miller to Lewis B. Hershey, November 27, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>62</sup>French Diary, November 26, 1941.



though, that this was not a “blanket approval to any projects other than those established.”<sup>63</sup>

The final few months of 1940 and all of 1941 were crucial years for the development and direction of conscientious objection under the Selective Service and Training Act of 1940. These years saw the creation of the National Service Board for Religious Objectors, Civilian Public Service, and the Camp Operations Division in the Selective Service, and General Lewis B. Hershey was involved in all of it. He was the most public figure on the issue from the federal government and was a staunch supporter of CPS both publicly and privately during these years. Though there were a few months with Clarence Dykstra serving as Director of Selective Service, Hershey was still the most important individual in the institution. He was the expert and had infinitely more experience and knowledge than Dykstra could ever hope to have. Clearly, Hershey, serving as the Acting Director, Deputy Director, then Director of Selective Service, did much during the crucial years of 1940-1941 in helping to develop, administer, and shape the direction of conscientious objection and alternative service during World War II. Guided by his belief in religious liberty and the duty of service, he began to build a program that reflected those values.

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<sup>63</sup>Lewis B. Hershey to Paul French, December 19, 1941, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.



## CHAPTER 7 – HERSHEY AND CONSCIENTIOUS OBJECTION IN THE TIME OF WAR, 1941 – 1944

The Japanese Navy's surprise attack at Pearl Harbor on December 7 shocked millions in the United States and thrust the nation firmly into the war as a combatant. The attack on Pearl Harbor shifted the focus of Hershey and the Selective Service from drafting men for training to drafting men for fighting a war. In terms of conscientious objection, little changed in practical terms beyond a minor modification in Hershey's attitude towards overseas service and an increase in the number of men assigned to CPS camps. What changed in a larger sense was that Civilian Public Service was now the alternative service program for a nation at war, rather than a nation enacting peacetime conscription. In the years that followed, COs served in mental hospitals, worked on farms, labored on sanitation projects in the American South, and volunteered as scientific test subjects. As with the creation of Civilian Public Service, Hershey's role in conscientious objection and alternative service during direct U.S. involvement in World War II was pivotal. The most obvious impact he had was in the power of approval for any change or special project desired by the Peace Churches. During the war years, Hershey's beliefs, attitudes, and actions again came to light when shaping alternative

service, particularly concerning major policy changes and his relationship with the Peace Churches. Furthermore, it was during this time that certain Peace Church representatives expressed their gratitude to Hershey. Though tensions emerged later in the war, the a genuine appreciation of Hershey's efforts marked the early days.

An explanatory note about this chapter is necessary. The discourse that follows of Hershey's role in securing farm labor projects, mental hospital units, and the overall relationship of Hershey to the Historic Peace Churches and NSBRO. CPS was a much larger program than just forestry, soil conservation, farms, and mental health. That said, Hershey's role in the daily administration and specific development of some of the smaller projects was minimal. For example, the Guinea Pig Units, which involved men volunteering as test subjects for scientific projects was one of the more famous parts of CPS. However, aside from Hershey's final approval, little evidence appears that suggests Hershey helped to shape the specifics of the program. In comparison, Hershey's actions played a significant role in shaping the direction of the farm labor projects. Therefore, the agricultural efforts of COs and Hershey's role in shaping the program are pertinent while the Guinea Pig Units are not. A different dynamic holds true for the CPS Training Corps, a proposed effort by the Peace Churches to implement training for assignees hoping to engage in relief and rehabilitation of the war-ravaged areas. Hershey played a significant role in developing the CPS Training Corps, but much of the story of that particular program involves Congress, so its discussion appears in the next chapter dealing with Hershey, Congress, and alternative service.

Pearl Harbor had only a limited effect on Hershey's work. If anything, Hershey seemed to become even more supportive of COs. Hershey was adamant that both he and

Kosch would continue to defend the rights of COs, even if it brought criticism. Hershey would remain on their side in the grand scheme of things, though he foresaw there might be pressures exerted on him by others. For instance, the patriotic fervor that arose in response to Pearl Harbor made retributions upon conscientious objectors entirely possible. If anything, Pearl Harbor made Hershey more accommodating toward COs, at least in the early stages.<sup>1</sup>

One result of Pearl Harbor was that Hershey became more supportive of the idea of sending COs overseas to aid relief efforts in Britain and China. Hershey seemed to like the idea of overseas relief efforts from conscientious objectors, but he had hesitated because of his uncertainties over the legality of sending men under government supervision to nations embroiled in war when the United States was officially neutral. Now that the United States was a belligerent, his reservations melted. That said, his influence there was limited, as he left the matter to the state agencies to determine whether or not to allow the assignees to go overseas. But Hershey was agreeable to the idea and made it known to the Peace Churches.<sup>2</sup>

The largest change for Hershey and the Selective Service was the increase in draft calls and inductions. The United States' active participation in the war meant that the military was going to expand. Likewise, CPS was going to expand as well. Hershey told the Peace Churches that they could expect an increase of one thousand to twelve hundred

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<sup>1</sup>French Diary, December 11, 1941; and NSBRO Minutes, December 12 & 13, Center for Conscience and War, Box 1100, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>2</sup>French Diary, November 26 and December 11, 1941.

men in camps by June 1942, a direct result of the increase in draft calls he expected by that time.<sup>3</sup> Hershey instructed all of the draft boards that war meant deferments for industry, agriculture, or any other vital trade must be reexamined and that men might need to be reclassified.<sup>4</sup>

Another change for Hershey and the Selective Service was heightened concern about public opinion towards conscientious objection and Civilian Public Service. One of Hershey's goals was to make the experience and sacrifice as equitable as possible between the CPS assignees and men drafted into the armed services. By late January 1942, there was some vexation within Selective Service over some of the privileges the men in CPS camps enjoyed. Kosch, speaking to the Peace Churches at a meeting in which Hershey was present, told French and the Executive Camp Directors that Pearl Harbor had definitely changed public opinion. There were negative feelings towards COs and CPS because the assignees had more weekend furloughs and they were allowed personal vehicles in camp. Kosch suggested that the churches needed to try and limit these practices so as not to arouse public ire. Kosch made it clear to the Peace Churches that the two sides (the Peace Churches and the Selective Service) approached the situation from different positions. In French's words, "At one point [Kosch] said we were seeking to preserve a philosophy of life, and he was attempting to do a difficult job which has been assigned to him." However, Kosch was adamant that although there was

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<sup>3</sup>French Diary, December 11, 1941.

<sup>4</sup>*Selective Service*, December 15, 1941.

pressure on Hershey from certain quarters to change things, Hershey's commitment to protect conscientious objectors was not wavering.<sup>5</sup>

The CPS experience in World War II was a tale of an expanding program. What began as an alternative service model based on the Civilian Conservation Corps in soil conservation and forestry units expanded to include a vast array of projects ranging from COs laboring in agriculture to working as mental hospital attendants and serving as scientific test subjects. As with other issues involving conscientious objection and alternative service, Hershey's importance to the development of new projects was undeniable. While Lewis Kosch handled most of the day-to-day activities and negotiations between the Peace Churches and the Selective Service, Hershey's vision was the ultimate trump card. If something was not up to Hershey's standard, it did not get approved. Kosch's role is significant in this part of the story as well. Because Hershey appointed Kosch, anything done by Kosch ultimately reflected on Hershey. In their early negotiations, members of the Peace Churches, particularly Paul French, had admired Kosch, though it was pale in comparison to their appreciation of Hershey.

The prospect of CPS branching into other areas of service began to be discussed at least as early as September 1941, well before the attack on Pearl Harbor. On November 18, 1941, at a meeting of CPS' Executive Camp Directors in Hershey, Pennsylvania, the executives decided that any special projects should fall under the jurisdiction of NSBRO for administration, selecting assignees, and seeking project approval from the Selective Service. They also determined French was to be responsible

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<sup>5</sup>French Diary, January 29 and February 4, 1942.

for appointing the directors of the projects. The next day, French met with Kosch to discuss service outside the realm of the camps, and Kosch liked the idea as long as the nearest CPS camp served as the central base of operations. Kosch talked of this plan as though he was the driving force behind it, though French brought the matter to his attention about two months prior to their meeting.<sup>6</sup>

There were numerous programs set up under the auspices of Civilian Public Service. A number of authors have recently cited the significance of conscientious objectors in changing the way American mental hospitals operated and how the Guinea Pig Units provided scientists and doctors with knowledge for improving the quality of life in the United States.<sup>7</sup> It is not the purpose of this work to go into exact detail of each program and flesh out the creation of it. Instead, the projects that best illustrate the influence of General Hershey will be examined.

One of the projects in which Hershey played a distinct role in creating was the farm labor project. There were a number of reasons that the Selective Service and Hershey considered farm labor to be a legitimate means of satisfying the “national importance” clause for alternative service. In terms of the legality and feasibility of the programs, there was minor precedent for farm labor. During World War I, some COs had received furloughs to work on farms. The Selective Service also believed that the rural background of many of the COs provided an opportunity for experienced men to work in a project for which they already possessed the proper training. Furthermore, there was a

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<sup>6</sup>French Diary, November 18, 19, 1941.

<sup>7</sup>For examples, see Sareyan; and Tucker.



distinct desire among the COs in the camps to do something more meaningful than digging irrigation ditches or maintaining the timber in national parks.<sup>8</sup>

The most effective impetus, beyond a desire to look for other projects than just the forestry or soil conservation camps, was the distinct farm labor shortage that had emerged by the fall of 1941. One of the earliest remedies to the shortage tried by the U.S. Department of Agriculture was CO labor.<sup>9</sup> Hershey was fully cognizant of the farm labor shortage. His first response was to tell local draft boards that they needed to be careful in drafting farm laborers into the armed forces. He argued that modern agriculture required much more specialization and mechanical knowledge than in the past, which could only be gained through years of experience on the farm. Another reason for the shortage, Hershey reasoned, was that industrial jobs in the cities paid better and offered shorter hours than life on the farm.<sup>10</sup> The farm labor shortage created a window for more work of national importance for the conscientious objector.

Hershey discussed farm labor as a form of alternative service with French about one month after French's initial meeting with Kosch on the subject of detached programs. Delegating some of his authority, Hershey told French that NSBRO should discuss the matter with the United States Department of Agriculture (USDA), making sure to keep Kosch informed. On January 3, 1942, French proposed to Kosch fully separate agricultural units of COs, though small, for maintaining dairy cattle to aid in European

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<sup>8</sup>*Conscientious Objection*, 169; Keim and Stoltzfus, *The Politics of Conscience*, 48-49; and Sibley and Jacob, 132.

<sup>9</sup>*Conscientious Objection*, 169.

<sup>10</sup>*Selective Service*, September 1, 1941.

relief after the war. For the interim, the milk produced from these dairy units would instead go underprivileged schoolchildren so as not to directly compete with local dairy farmers. Kosch, however, was lukewarm to the idea. He preferred an individual furlough for each CO, keeping the men tied to their camp administration. He did agree with French, though, that farm labor might present a public relations problem if COs gained a monetary profit from their work.<sup>11</sup>

The meetings that followed involved the Selective Service, NSBRO, the United States Employment Service (USES), and the USDA. Points of discussion included prioritizing the areas that suffered from the most distinct labor shortages, outlining how men in CPS would be chosen for service in farm labor, the mechanics of supervision, method of payment, or if COs were to be paid at all.<sup>12</sup> From these discussions, four distinct plans emerged. First, if a shortage became bad enough in a particular area within fifteen miles of a CPS camp, men could work on that farm, but they would remain under the control of their particular camp. This was to be done only as a last resort to solve local labor shortages. Second, men could be sent to work on dairy farms approved by the USDA and the Employment Service. Third, men could also conduct dairy testing (testing and recording the quality of milk at dairies) in areas where the labor shortages directly caused the cessation of testing programs. Finally, men could also work at agricultural

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<sup>11</sup>French Diary, January 3, 1942.

<sup>12</sup>*Selective Service in Wartime: Second Report of the Director of Selective Service, 1941-1942*, (Washington, D.C.: Government Printing Office, 1943), 268-269.

experiment stations and agricultural colleges where labor shortages were disrupting food production.<sup>13</sup>

A few days later, French and Kosch met with executives from Agriculture Defense Relations, a part of USES. An agreement emerged from this meeting for an experimental farm service program for COs, with the USDA and the USES identifying the counties most in need of agricultural labor. The next day, the executives of NSBRO agreed to conduct the farm labor program as a service detached from the forestry and soil conservation camps. The men were to receive no pay beyond their basic expenses, and the leftover money was to go into a separate fund. The other executives also instructed French to draw up a memo for Hershey that outlined their plans. Kosch liked this idea, but the money issue made him uneasy, so he wanted to wait to discuss the matter privately with Hershey. On January 27, Kosch told French to move forward on the farm labor program unless significant public relations problems emerged.<sup>14</sup>

Throughout the negotiations, though, there were bureaucratic problems with the USDA and the USES. To French, it seemed as though the USDA and the USES were more concerned with why the program would not work rather than looking for solutions to use COs on American farms. On February 6, a meeting between the USDA, USES, French, and Kosch degenerated into a stalemate. French finally had enough and suggested that they take the matter directly to Hershey. The meeting moved to Hershey's office, where the USDA and USES representatives laid out their objections to the

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<sup>13</sup>*Conscientious Objection*, 169-170; and Sibley and Jacob, 132-134.

<sup>14</sup>French Diary, January 7, 8, 9, 27, 1942.

NSBRO and Selective Service proposal, including the contentious issue of pay for the COs. French maintained that if “...we forget the lawyers for a few minutes...we would probably be underway in a week.” Hershey simply asked Kosch if he wanted to cut through the red tape. When Kosch answered in the affirmative, Hershey approved the plan, completely sidestepping the roadblocks of the USES and USDA. Hershey also made it clear that he wanted the leftover funds to be administered by NSBRO, rather than another private agency such as the Red Cross. French later wrote in his diary, “The more I see of Hershey, the more I am convinced that he is really a big man.”<sup>15</sup>

The various entities involved reached an agreement in June for the first agricultural units in CPS, when the U.S. Department of Agriculture, the U.S. Employment Service, the Selective Service System, and NSBRO produced a memo outlining their plan for CO work in agriculture. They explained, “Dairy farms have been selected because of the importance of dairy production for national welfare and the shortage of labor for these farms.”<sup>16</sup> Lewis Hershey’s approval of the memorandum placed him at the forefront of CPS development. This was the first step in taking COs out of the camps and placing them on farms, further defining “work of national importance” and, in turn, further defining what wartime service to the nation meant.

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<sup>15</sup>French Diary, February 6, 1942.

<sup>16</sup>“Memorandum of Understanding Between the United States Department of Agriculture, the United States Employment Service, the Selective Service System, and the National Service Board for Religious Objectors Relative to the Assignment of Conscientious Objectors to Farm Engaged in Vital Agricultural Production, General Hershey’s Staybacks, 1942, Box 3, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

Now men objecting to military service could serve their nation in a time of war beyond laboring in conservation or forestry camps.

This memorandum firmly established the farm program, and it served as the beginning of an important series of programs that grew extensively in 1943-1944. The areas that saw the most growth were the dairy testing, experiment stations, and dairy farm labor. After three months in a CPS camp, men could volunteer to serve in one of these detached units.<sup>17</sup>

One of the most contentious issues to emerge out of the farm labor programs in CPS concerned wages. COs received no pay for their labor. Instead, the farmer paid the average rural wage of the county to NSBRO, who used the money to administer the farm labor program and provide a small subsistence stipend to the COs. NSBRO then forwarded the remaining balance to the U.S. Treasury, where the Treasury set it aside in a special account not to be used for war programs. As a further guard against war spending, the money, known as the CPS Frozen Fund, could not be touched until after the war.<sup>18</sup> A Memorandum of Understanding between the Peace Churches and the Selective Service specified that the money would be used for postwar relief efforts.

In July 1942, Hershey wrote to the Comptroller General of the United States, Lindsay Warren, outlining plans for the CPS agriculture plans. Warren noted that Hershey had the authority to approve these programs, but Warren did not support the

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<sup>17</sup>*Selective Service as the Tide of War Turns: Third Report of the Director of Selective Service, 1943-1944*, (Washington, D.C.: Government Printing Office, 1945), 184-185.

<sup>18</sup>*Conscientious Objection*, 170; *Selective Service in Wartime: Second Report of the Director of Selective Service, 1941-1942*, 269; and Sibley and Jacob, 132.

plans for CO wages going to war rehabilitation. Hershey then asked Warren if NSBRO could use the money for general CPS administration, but Warren replied that he believed the entire payment structure for farm labor had no legal basis. The issue was never resolved. Decades later, NSBRO had not seen any of the money from the Frozen Fund, the total value of which was about 1.4 million dollars in 1945.<sup>19</sup>

Another problem within the camps was the refusal of some men work at assigned jobs that violated their conscience. This problem irritated both Hershey and Kosch to no end. Most of the problems came from the camps operated by the American Friends Service Committee, as those camps had the widest variety of denominations and COs questionable religious sincerity. However, the problem was not confined to the Friends' camps. Camp discipline greatly affected Hershey's attitudes toward alternative service during the war and will be explored later in this chapter.

Another project area for CPS was in mental hospitals. During the early part of 1942, a number of requests from hospitals for CO labor arrived at the Selective Service. The requests came from general care hospitals, hospitals for the care of tuberculosis, and mental institutions. Because of the wartime labor drain, the mental hospitals were severely short of labor. The labor shortage was so acute that many institutions dropped the level of patient care "to a custodial level," though there were reductions in care

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<sup>19</sup>Steve Nolt, "The CPS Frozen Fund: The Beginning of Peace-Time Interaction between Historic Peace Churches and the United States Government," *The Mennonite Quarterly Review* 67, no. 4 (April 1993): 203-205. As of the publication of Nolt's article in 1993, the issue of money from the World War II CO labor had not been resolved. Much of this article examines the efforts of the Historic Peace Churches and NSBRO (though the name changed a number of times) throughout the remainder of the twentieth century to rectify this problem.

beyond that point. Thus began one of the most successful programs within Civilian Public Service, detached units in mental hospitals. Like the agricultural programs, there was a small precedent from the First World War, with COs working at a mental hospital in Virginia. This was why the first mental hospital unit in World War II was in Virginia, according to Hershey's 1943 report. By 1943, there were seventeen mental hospitals in ten states using CO labor. The men working in the hospitals assisted in the general care of patients or helped to maintain the facility or hospital grounds. The COs provided a much needed solution to a severe labor shortage in these institutions. As Hershey's second Selective Service report stated, "While the number of assignees available cannot begin to solve the problem of labor supply, they can be of considerable assistance."<sup>20</sup>

The hospital program was largely created in meetings between Paul French and Lewis Kosch. However, as was the case in most other instances, Hershey's influence is undeniable. Hershey approved this program, but public opinion that emerged again as a thorn in the side of Hershey, Kosch, and Peace Churches. Furthermore, there were instances of COs in hospitals refusing to work. In early 1942, as plans were emerging to set the program in motion, interference from the American Legion threatened to prevent its implementation. Kosch came away from meetings with veterans groups feeling that the hospital program might provoke a visceral public relations backlash. In Elgin, Illinois (headquarters of the Church of the Brethren, no less), the American Legion publicly decried the use of conscientious objectors in mental hospitals. Their interference prevented COs from using the state hospital at Elgin, but it did not subvert the entire

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<sup>20</sup>*Conscientious Objection*, 169; *Selective Service in Wartime: Second Report of the Director of Selective Service, 1941-1942*, 269-270; and Sibley and Jacob, 134-135.

program.<sup>21</sup> This would not be the last time the Selective Service had to deal with the American Legion's anti-CO stance. The issue emerged again in Congress, where some suggested that the provision for conscientious objection in the Selective Service Act be eliminated entirely. That will be discussed in the next chapter.

Hershey does not appear to have been involved as much in the mental hospital program as he was in the agricultural program, but he did play a part nonetheless. Part of the reason for his lesser role was that the mental hospital units did not operate in conjunction with federal agencies the way that agricultural programs did. The Selective Service and NSBRO worked with state mental hospitals on a case-by-case basis to find places in need of CO labor. Hershey fielded letters on the subject from hospital directors, city mayors, and other various officials. There were definitely many opportunities to work in hospitals across the nation, but Hershey and his subordinates believed that the need in mental hospitals was the most acute. As Hershey said to New York City Mayor Fiorello LaGuardia,

It will thus be seen that the number of conscientious objectors required for such hospitals [state mental institutions] will preclude the consideration of other type institutions. We have had hundreds of requests from various municipal, county and state hospitals, as well as those privately operated, but we have given all of them the same answer, namely, we feel that the need for labor in state mental institutions over-shadows their needs, serious as we admit them to be.<sup>22</sup>

Therefore, in Hershey's mind, the need for labor in mental hospitals was more pressing than in other areas of health care. Hershey also made it clear to others that there was also

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<sup>21</sup>French Diary, January 21, 27, 1942.

<sup>22</sup>Lewis B. Hershey to Fiorello LaGuardia, November 21, 1942, General Hershey's Staybacks, 1942, Box 1, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.



a limited supply of conscientious objectors, providing another reason for limiting their service to mental hospitals.<sup>23</sup>

Hershey wanted to avoid public relations problems, such as the Elgin hospital debacle, and this continued throughout the war. Such was the case in New York. When asked by Governor Thomas Dewey about conscientious objector labor in New York state mental hospitals, Hershey answered that Selective Service did set up experimental mental hospital units, but the public reaction in Utica caused them to reexamine the situation.

Hershey wrote,

After approval of the project at Utica...and upon publication in the New York papers, opposition was registered by the Utica Post of the American Legion, by the Ogdensburg Post of the Veterans of Foreign Wars, by the Hospital employees and by the Association of the State Civil Service Employees. In view of these protests, we did not think it advisable to proceed further with the project and so advised all concerned. At the same time, however, we did inform them we would reconsider at any time that it appeared the objections could be overcome.<sup>24</sup>

Though Hershey was a strong-willed man with a thick skin, even he was not immune to public opinion, and he understood that a potential hot button issue like conscientious objection needed to be out of the public eye as much as possible. His response to negative publicity was to move the men away from the problem.

As with many bureaucracies, the Civilian Public Service had a habit of taking too much time to get the administrative machinery up and running to get COs out of the

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<sup>23</sup>Lewis B. Hershey to Dr. Raymond Waggoner, March 6, 1943, General Hershey's Staybacks, 1942-1943, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

<sup>24</sup>Lewis B. Hershey to Thomas E. Dewey, February 22, 1943, General Hershey's Staybacks, 1942-1943, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

camps and into the detached services. By mid-October, 1942, that slowness was evident to Hershey, and he made it clear to the parties involved that things needed to move at a faster pace. After avoiding some of the problems with the veterans groups, Hershey was finally able to fight through many of the administrative roadblocks and approve the hospital units. However, the problems did not cease. The slowness in assigning men to the hospitals and finding suitable locations irritated him, and he believed it was due to inefficient administration on the part of NSBRO. The slowness in assigning men to positions began to disillusion many of the assignees, who threatened to quit CPS. During a meeting with French in mid-October 1942, when told of men wanting to leave CPS over this issue, Hershey lost his temper. He told French he was fine with letting them walk, apparently wanting to let the Department of Justice deal with insubordinate assignees. Hershey had simply had enough of insubordinate men in CPS camps.

According to French, Hershey said,

That we were not talking in terms of alternate service now but of special privilege for c.o.s. Said he had sent four million men to the army during the past two years and that none of them had any choice about where they went or what they did. He expressed the opinion in rather strong language that it was about time that we stop babying the men and let them take their own raps.

Said he was sick and tired of the idea they should be permitted to do just about what they please and that he did not expect to continue that way much longer.<sup>25</sup>

Hershey's attitude towards the mental hospital situation and the discipline problems among CPS men reveal a number of themes in his thought toward COs. First, this is further proof of Hershey's desire to make alternative service an equitable sacrifice for assignees, just as men in the armed service were making sacrifices in their service.

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<sup>25</sup>French Diary, October 13, 14, 1942.

Second, Hershey emphasized service above all else. As he told French, the emphasis in CPS was on service, not “special privilege.” He firmly believed in the value of service to one’s country, and in his mind Civilian Public Service was no different. Third, Hershey’s stance here also highlights his career as a military officer. Though he was more than accommodating to COs, he was first and foremost a military officer charged with raising an army for wartime. That he believed in bureaucratic control and firm discipline was no fluke. It was a part of professional training and work ethic.

One fascinating dynamic during the war was Hershey’s relationship with the Peace Churches. He worked closely with them throughout that time. No single man could ever be entirely responsible for a program as complicated and difficult to manage as Civilian Public Service, so it was imperative that Hershey and the representatives of the Historic Peace Churches, particularly NSBRO, had a strong and respectful working relationship, which they did.

Early in the war, the Peace Churches went out of their way to let Hershey know that they truly appreciated his efforts. After Hershey’s promotion to Major General in 1942, Paul Furnas, Secretary of the AFSC Civilian Public Service administration, wrote to him congratulating him on his new rank. Furnas wrote, “I want to express to you my hearty congratulations for the recognition which is represented in the title of Major General which I understand has come to you....” He continued, “That a Quaker of my conviction should feel so pleased about the conferring of a military title, possibly indicates how deep is our appreciation for the wise, efficient, and humane administration which you have given to a large and difficult task.” Furnas enclosed a draft of a memo to the AFSC’s CPS Executive Committee that summarized Hershey’s beliefs about religious

training and conviction. Furnas had written in the memo, “We feel that it is an occasion for profound thankfulness on our part that the Director of Selective Service should be a man of such spiritual discernment.”<sup>26</sup>

M. R. Zigler, Chairman of the United Staff of the Church of the Brethren, Executive Secretary of the Church of the Brethren’s General Ministerial Board, and Chairman of NSBRO, wrote on behalf of the Brethren expressing their thanks as well. He wrote,

The ministers of the Church of the Brethren, at our General Conference ... wish hereby to assure you of our very great appreciation for your service to us. Words cannot adequately express our thanks to you. We feel that you have had a sympathetic understanding of our faith; and you have untiringly striven that we should have our rights under the law of the land. You have given most valuable insight and advice.”<sup>27</sup>

A large number of Church of the Brethren ministers signed their names in an attachment, expressing their gratitude.<sup>28</sup> Signifying Hershey’s appreciation of a stable relationship, he replied, “I wish that I could somehow or other tell you and all of the others whose names I now read the satisfaction that I experience when I realize what your group has done to make my task easier.”<sup>29</sup>

Apparently, the Selective Service wanted to make it known how much the Peace Churches appreciated the efforts of Hershey. In a letter sent little more than a week

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<sup>26</sup>Paul J. Furnas to Lewis B. Hershey, May 11, 1942, Letters to Hershey, 1940-1943, Trine University Lewis B. Hershey Collection, Angola, IN.

<sup>27</sup>M.R. Zigler to Lewis B. Hershey, June 15, 1942, Letters to Hershey, 1940-1943, Trine University Lewis B. Hershey Collection, Angola, IN.

<sup>28</sup>*Ibid.*

<sup>29</sup>Lewis B. Hershey to M.R. Zigler, no date, Letters to Hershey, 1940-1943, Trine University Lewis B. Hershey Collection, Angola, IN.

before Pearl Harbor and published in Hershey's first report, Zigler, Clarence Pickett of the AFSC, and Orie Miller of the Mennonite Central Committee wrote, "We wish you to know that we appreciate the sympathy and understanding with which you have faced this problem during the past year of more and assure you that we are hopeful that the same relationships can continue during the coming year so that jointly we can demonstrate the ability of a democracy to respect minority religious groups."<sup>30</sup> By placing this letter in Hershey's first report, Hershey and the Selective Service made an attempt to produce evidence for posterity of the Peace Churches' appreciation of Hershey and the Selective Service's efforts to implement alternative service in a tolerant and sympathetic manner.

Perhaps no better example than Paul French and his negotiations on behalf of NSBRO better illustrates the working relationship between Hershey and the Peace Churches in the early days of the war. During the creation of CPS, the early days of the war, and the first full year of the war, the meetings between Hershey and French were usually cordial and respectful, and a true understanding between the two men began to develop. French's comments at the end of his countless meetings with Hershey contained a number of illuminating observations. He expressed how lucky the Peace Churches were to have a man like Hershey, with his sympathy for men of conscience, holding the position of Director of Selective Service. He also mentioned how friendly Hershey was, how many times Hershey seemed glad to see French, and his amazement that a man with the duties of Hershey could find the time to meet frequently with men representing such a

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<sup>30</sup>*Selective Service in Peacetime*, 201.

small portion of the population. Often in French's diary during the first full year of the war Hershey is described as "a big man," meaning that he did not resort to petty squabbles or seek to be vindictive in dealing with conscientious objectors. Instead, he remained open to discussion and sought to fight for their rights when necessary, whether it in public or behind closed doors in Washington.<sup>31</sup>

That the Peace Churches were grateful to Hershey for his efforts in securing projects for conscientious objectors and supporting them in their efforts to practice their ideology was not unsubstantiated political hyperbole. The frustrating experience in the First World War for conscientious objectors had shown them just how bad things could be. To have a person in charge with the sympathetic stance of Hershey, a military man no less, was of great help to the Peace Churches, and its significance was not lost on them. Their comments to Hershey were not embellished exaggeration, but heartfelt gratitude.

The relationship between Hershey and the Historic Peace Churches was not always friendly and jovial, though. Indeed, their relationship deteriorated somewhat during the war. It was clear during 1942 that some strain on the relationship existed, and it had worsened by 1943. One of the big issues was camp discipline. Both Hershey and Kosch pointed this out to French and other representatives during the latter part of 1941, but the problems continued into 1942. Kosch believed that the Quakers were dragging

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<sup>31</sup>There is no specific citation here beyond Paul French's diary. In representing conscientious objectors and the Historic Peace Churches, no man met with Hershey on a personal level more than French. An overall examination of French's entries about his meetings with Hershey provides these descriptions of Hershey. To cite all of the meetings between the two men would create a citation of overwhelming specificity, and little substance.

their feet in trying to solve to the discipline problems in their camps, which consisted of men refusing to work or keep the camp in good working order. Kosch believed that the government should take over the camps if things did not improve. Hershey's annoyance toward the lax discipline in the Quaker camps is definitely apparent in some of the writings of French. According to French, Hershey told him that "our philosophy undoubtedly worked well in a summer volunteer work camp but that we must recognize that this was a different situation and that men were there because of a conscription law."<sup>32</sup>

Though the problems with Quaker discipline in the camps continued, it became less of an issue, and little more about the matter came up in the meetings between NSBRO and Hershey during 1942. The relationship between Hershey and NSBRO remained in good standing, but there were other groups that became annoyed with him due to his reluctance to approve government-administered camps. This began to come to the forefront in 1942. Many of the CPS men, particularly those not of the Historic Peace Church tradition, did not like serving under a denominational agency different from their own faith. The Fellowship of Reconciliation, War Resisters League, and the Federal Council of Churches supported this objection some of the CPS men. Hershey's reasoning for his reluctance to institute government-administrated camps was legitimate. One reason was that he thought it could become too convoluted and complicated for the Selective Service to run alternative service camps. Second, he was afraid that Congressional disapproval ran the risk of threatening the entire structure of Civilian

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<sup>32</sup>French Diary, February 16, 1942.

Public Service, bringing it to a halt. Government-administrated camps needed Congressional approval to receive additional funding for administration, something not in the existing budget for Selective Service.<sup>33</sup>

On June 8, 1942, Hershey met with representatives of the Federal Council of Churches and the Lutherans to discuss the matter of government camps. At this point Hershey agreed to look into the matter by surveying the CPS assignees to attempt to glean their position on government-administered camps. In a questionnaire sent to the men, the Selective Service outlined their position and the government's rules for camp administration. It also made it clear that "no distinction would be made between defense and non defense work assigned."<sup>34</sup> This lack of delineation meant that assignees in the government camps were required to work in whatever job assigned to them, regardless of their personal convictions. French also attached a two-page letter, stating his own personal views, which echoed Hershey's stance, and noting that it would be tough to get out of a government camp once assigned and that refusal to work could incur prosecution by the Department of Justice.<sup>35</sup>

This survey, which appeared to be loaded against the use of government camps, provoked a three-way fight among the Selective Service, NSBRO, and other denominations with interests in the CO question. Only upon NSBRO's recommendation did Hershey finally approve the government camps on April 16, 1943. NSBRO's

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<sup>33</sup>French Diary, June 9, 1943; and Sibley and Jacob, 242-243.

<sup>34</sup>Sibley and Jacob, 243.

<sup>35</sup>*Ibid.*, 244.



recommendation was to pay the men, stay away from defense projects, and try to limit what the men viewed as mind-numbing manual labor. Hershey agreed to these provisions, except for paying the COs. Once Hershey agreed, the first government-administered camp (without CO pay) began on July 1 at Mancos, Colorado, with two other camps to start later in the war.<sup>36</sup>

The negotiations for CPS camps administered by the Selective Service reveal two important tenets of Hershey's position on alternative service. The first point is that Hershey wanted to deal solely with NSBRO on matters of CPS. Recall that it was his recommendation that led directly to the formation of NSBRO in 1940, when he expressed his desire to deal with one organization covering all of the different groups. Doing so made his job much easier and streamlined the process considerably. The government camp issue revealed, through the disagreements among the groups, that if more people and agencies got involved, the entire program could become gridlocked. Second, Hershey continuously rejected proposals to pay COs, not out of malice, but out of a concern for public opinion. Ever concerned about the possibility of Congress taking away CO provisions or public opinion raising trouble, Hershey's motive here was to avoid problems before they began. Though the men of CPS were doubtlessly unhappy about it, Hershey's stance remained constant throughout the war.

The year 1943 marked further disintegration of the friendly relationship between Hershey and the Peace Churches. Much of the tension came from the Chicago Conference on Social Action, called by a committee of CPS assignees to discuss some of

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<sup>36</sup>*Ibid.*, 244-246.

the COs complaints. According to Mulford Sibley and Philip Jacob, “The conference...was an attempt to initiate direct negotiations between the assignees and those who exercised authority over them.” Included in their invitations were Hershey and other government and religious officials. Hershey, however, balked at attending the Chicago Conference and decreed that no CPS assignee was to attend either. Hershey believed that the meeting could elicit pressure on CPS from Congress or other government agencies, something he definitely wanted to avoid. He thought those attending a conference might try to garner publicity for their situation, which could be political poison for a program already unpopular in some sectors of the federal government. He felt that if any meeting should be organized, the Peace Church agencies should do it, not the men in the camps. Kosch echoed this sentiment.<sup>37</sup> Recall both Hershey and Kosch’s distaste for lax discipline and insubordination in the camps. From their point of view, little was different in this case. Kosch told French that both he and Hershey believed that the biggest problem the men organizing without the approval of the Selective Service. To Kosch and Hershey, there was a massive difference between organizing among the men and promoting a conference organized by the church administrative agencies.<sup>38</sup>

Many groups, including the Fellowship of Reconciliation and the War Resisters League, denounced Hershey’s action. They argued that Hershey was violating the men’s

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<sup>37</sup>French Diary, March 30, 1943; and *Ibid.*, 264-265.

<sup>38</sup>French Diary, April 3, 1943.

civil rights.<sup>39</sup> Although Hershey cancelled furloughs for those hoping attend the conference, it went on as planned, though few attended. The Selective Service refused to allow men who attended conference to go into the detached services. This prompted a showdown between NSBRO and the Selective Service. Because the assignment of men into these programs was the job of NSBRO, it believed that the Selective Service overstepped its bounds when it refused to allow the assignment of men to the detached services. Both the Peace Church agencies and NSBRO were quite unhappy with the situation.<sup>40</sup> Paul Furnas believed that if a compromise on the relationship between the Selective Service and the Peace Churches could not be reached, then the AFSC should withdraw from the program. French felt that Hershey and the Selective Service were now ordering around NSBRO rather than negotiating with it.<sup>41</sup>

Hershey began to believe even more firmly that NSBRO and the Peace Churches were failing in their administration of CPS. When French asked Hershey if NSBRO could receive more administrative control, particularly in the area of mental hospital assignments, Hershey refused on the grounds that they had not been successful in what he already granted them. Hershey was particularly upset with Clarence Pickett, who went directly to President Roosevelt to voice his displeasure over the CPS arrangement.

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<sup>39</sup>Henry Dyer to Lewis B. Hershey, April 9, 1943, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA. Dyer was an assignee to CPS Camp #30 in Walhalla, MI.

<sup>40</sup>Sibley and Jacob, 265-268.

<sup>41</sup>French Diary, April 12, 13, 1943.

Hershey preferred to keep the problems in house and not have any internal misgivings or problems paraded throughout the government.<sup>42</sup>

On October 14, 1943, Hershey and Kosch met the Executive Board of NSBRO for dinner to repair the relationship between the Peace Churches and the Selective Service. NSBRO presented a memorandum to Hershey outlining their grievances. Some of the issues they presented included pay for the men (which included the dependents of the assignees), establishment of “reception centers” for the assignees so they could best determine where and under which agency they wanted to serve, and the approval of projects more in line with the individual desires of the assignees.<sup>43</sup> Hershey and Kosch listened to their grievances but did not alter their position. The AFSC wanted more socially relevant programs, but Hershey did not see the need. The Quakers argued that they were not the type to run a program that forced men into certain programs or made them work. French recalled that Hershey testily responded “that he thought one of our troubles was that many of the men had not found their souls and that he felt it was possible that they might find them on the end of a shovel handle.”<sup>44</sup>

The Peace Churches again asked for pay for COs, and Hershey and Kosch again rejected the idea, citing the need for Congressional approval and the risk of the churches losing CPS over the matter. On the matter of assignees’ dependents, Hershey appeared

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<sup>42</sup>French Diary, May 31, June 1, 1943.

<sup>43</sup>NSBRO Minutes, October 14, 1943, Center for Conscience and War, Box 1100, Swarthmore College Peace Collection, Swarthmore, PA; and Paul French to Lewis B. Hershey, October 14, 1943, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA.

<sup>44</sup>French Diary, October 14, 1943.

deeply concerned and promised to look into it. Pickett brought to Hershey's attention the AFSC's threat to withdraw from administration of the CPS camps if the Peace Churches' pleas for better camp governance went unheeded.<sup>45</sup>

Though this meeting profoundly illustrates the evolving relationship between Hershey and the Peace Churches, few tangible changes came from it immediately. For example, Hershey denied the churches' request for additional projects in education and juvenile delinquency, but an important facet of Hershey's belief structure emerged on this point. Hershey completely rejected the doctrine of pacifism. When the churches asked for a program helping juvenile delinquents, Hershey struck down their proposal, saying their pacifist stance was counterproductive. He argued that one of the biggest reasons for the lack of preparation in the United States prior to World War II was that the pacifists' activities in the 1920s and 1930s had made the United States complacent in world affairs. He claimed to have seen this complacency coming when he was at Ohio State.<sup>46</sup> One matter that particularly bothered him was teaching pacifism to American youths. In a letter to Eleanor Roosevelt, he expressed his reservations. He wrote, "While the nation is engaged in an "all out" war effort it would appear inconsistent for a Government agency to assign [a] man to a position where he is given every opportunity to spread the doctrine of pacifism to our youth in its formative period." He continued, "It is felt that a man holding such convictions cannot help but impress them to a certain extent on his charges

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<sup>45</sup>*Ibid.*

<sup>46</sup>French Diary, October 17, 1943.

who are composed of youths in their formative period.”<sup>47</sup> This letter makes it clear that while Hershey sympathized with COs, he did not believe that pacifism or nonresistance was a positive course of action for American society. His emphasis was on service, and that emphasis played into his conception of CPS. In his mind, CPS was an alternative service program, not a vehicle for COs to proselytize.

The October meeting was the last of Hershey’s direct dealings with representatives of the Peace Churches and NSBRO for more than a year. He delegated even more authority to Kosch, and there were almost no changes in major policy until the end of the war. As always, it was his prerogative to approve any major changes in policy, but after the October meeting, he seldom met personally with French, other NSBRO members, or Peace Church representatives. Most of the ongoing negotiations and program development stayed in Camp Operations Division under Kosch and his administrative staff.

Hershey continued to be the face of the Selective Service and discussed conscientious objection in Congress on occasion, but his workings with CPS definitely lessened during 1944. Though 1944 was a much slower year for Hershey and CPS, his influence remained intact. Part of this was because the administrative framework was already established by 1944, and by that point things were not going to change much. The vision put forth by Hershey during the early part of the war continued through to the end of Civilian Public Service. Some tension and unhappiness still existed between the

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<sup>47</sup>Lewis B. Hershey to Mrs. Franklin D. Roosevelt, May 5, 1944, General Hershey’s Staybacks, 1945 part 1, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

Peace Churches and the Selective Service, particularly over pay and dependency, but little of substance actually changed. The biggest shift came in 1945, when it became clear that the time to end CPS was approaching.

The wartime experience of Lewis Hershey and the Historic Peace Churches in Civilian Public Service reveals a relationship that began on friendly terms but eventually became strained and frustrating for both sides. Early in their relationship, certain members of the Peace Churches expressed their heartfelt gratitude for his efforts. However, as the war drew on Hershey's commitment never faltered, but the Peace Churches and the CPS camps definitely tested his patience from time to time. Throughout the war, Hershey fought for CO rights and approved various different projects for them. Many times, the negotiations for setting up the new programs dragged on for months, or even years. Hershey did not approve all proposals set before him, nor was he central to every single program development in CPS. That said, all programs required final approval from Hershey, as Roosevelt's executive order giving Hershey the authority to define work of national importance had lasting influence. During the war years, Hershey played a significant role in the direction of alternative service. Even when he was not entirely in a discussion on a specific matter, one can see his philosophy and desires in the final product.

There are a number of specific instances that illustrate the points made above. Hershey's actions in securing farm labor definitely helped push the program through to implementation. However the problems in setting up mental hospital units and the Chicago Conference irritated him a great deal. He had absolutely no tolerance for lax discipline and poor administration in the CPS camps. As a military officer to the core,

his stance is not particularly surprising. He was not hostile to CPS and truly wanted it to succeed, but he believed that work stoppages and unapproved social action conferences threatened the program and aroused negativity from certain quarters. Throughout the war, he worried about public opinion and sought to avoid troubles in this arena wherever he could, particularly when it came to veterans groups such as the American Legion or the Veterans of Foreign Wars. By 1944, his direct influence lessened when he handed more authority to Lewis Kosch, but the wheels he set in motion continued to turn. His belief in the duty of service continued to shape alternative service as CPS evolved. Because of the authority granted to him and the structure of his institution, the specter of General Hershey continued to loom over alternative service and conscientious objection throughout World War II.



## CHAPTER 8 – HERSHEY AND CONGRESS EXAMINE CONSCIENTIOUS OBJECTION

Though the Historic Peace Churches and the Selective Service handled most of the aspects of Civilian Public Service, there were times when Congress became involved and imposed its will on the situation. During the war, Hershey appeared before Congress on numerous occasions, usually to testify about manpower, labor, and conscription, but a few times he came to Capitol Hill to discuss conscientious objection. These occasions were linked with attempts to gain aid for CO dependents, workmen's compensation, and a foreign relief and rehabilitation program, none of which were successful. The Senate fleetingly tried to eliminate section 5(g) of the Selective Service Act (the section that provided for conscientious objection) in 1943, but nothing became of the bill. Though some of Congress's actions did have a direct impact on COs, the most significant reason for examining Hershey's wartime relationship with Congress is that it further reveals the complex, nuanced views of conscientious objection held by Lewis Hershey. During these hearings, Hershey went into detail on his views concerning pay for COs, public opinion, the nature of CO service, and his role as a military director of a civilian institution. Furthermore, he supported an attempt by the Peace Churches to establish a program for

overseas relief and rehabilitation, but Congress disallowed their efforts. Hershey's experience with Congress during World War II provides a number of insights into Hershey attitudes toward conscientious objection and alternative service. He truly believed in the concepts behind alternative service and sought to protect the assignees from some of the problems in CPS. He felt that negative public reactions would threaten the existence of CPS and made it clear that he sought to avoid controversy in that regard. Furthermore, he displayed a deft political touch in trying to avoid Congressional limitations on his authority over conscientious objection. Though not always successful, Hershey's dealing with Congress revealed both the limits of his power and his sympathy for the CO.

Most historical analyses of Congress' attitudes toward conscientious objection suggest that the CO had few, if any, friends in the legislature. Mulford Sibley and Philip Jacob, in *Conscription for Conscience*, state that "Congress did nothing during the war to liberate the c.o.; instead, it imposed additional restraints. It excluded foreign service for CPS men, denied financial assistance to their dependents, and stalled their final release from service." That said, it must be remembered that Sibley and Jacob are overwhelmingly sympathetic to conscientious objectors and they paint Hershey, the Selective Service, and Congress in a negative light. There are three main areas in which Sibley and Jacob highlight Congress's action concerning COs: the lack of aid to CO dependents, general workmen's compensation to COs, and CO pay. Sibley and Jacob place the responsibility for the lack of CO pay squarely on the shoulders of Hershey. As illustrated below, Hershey's reluctance to pay CPS assignees was a result of his desire to avoid public relations problems. Sibley and Jacob note this motivation yet claim, "Later,

both Hershey and his staff outspokenly argued that the c.o.'s did not deserve pay." Sibley and Jacob make that unflattering statement without offering evidence to support their assertion.<sup>1</sup> Actually, in 1946 Hershey told Sibley and Jacob that he believed COs should be paid in the future, a far cry from stating that CO's "did not deserve pay."<sup>2</sup>

Beyond Sibley and Jacob, the interpretations on Congress and conscientious objection are scant. Melvin Gingerich and Leslie Eisan do not discuss much in *Service for Peace* and *Pathways of Peace*, respectively, but Albert Keim has given the matter some attention. He and Grant Stoltzfus contended, "Civilian Public Service had almost no friends in Congress during World War II. In fact, it had many enemies. Given the president's thinly veiled hostility to the program, opening the matter for further examination might well have led to disaster."<sup>3</sup> Later, Keim revised his own thinking to label Congress as being no help whatsoever. In "Mennonites and Selective Service in World War II: An Ambiguous Relationship," he writes, "Given the total lack of support in Congress for conscientious objectors – there was not even one member who could be counted on for help ... the options available to the peace churches were very limited."<sup>4</sup>

Most congressmen were, in fact, ignorant about conscientious objection and Civilian Public Service. In his numerous hearings, Hershey explained the situation to

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<sup>1</sup>Sibley and Jacob, 200, 216-217.

<sup>2</sup>Memorandum on Conversation with General Hershey – Sibley and Jacob, July 26, 1946, Center for Conscience and War, Series A, Correspondence with Lewis B. Hershey, Swarthmore College Peace Collection, Swarthmore, PA, 1

<sup>3</sup>Keim and Stoltzfus, *The Politics of Conscience*, 123.

<sup>4</sup>Albert Keim, "Mennonites and Selective Service in World War II: An Ambiguous Relationship," *The Mennonite Quarterly Review* 66, no. 4 (October 1992): 523.

senators and representatives by equating their work in the camps with the Civilian Conservation Corps and praising their efforts in programs such as assistance in mental hospitals. He contended that the work was not an invitation for “slackers” to avoid the draft.<sup>5</sup>

Overall, using broad brushstrokes to discuss Congress and the conscientious objector is a futile exercise because it does not account for the individual efforts of senators or representatives whose efforts became overshadowed by congressional inaction or restriction. To say there were no friends of the CO in Congress is a distortion of the truth, similar to saying that Hershey believed COs did not deserve pay. Men like Jerry Voorhis, who supported COs during the hearings on the Selective Service Act in 1940, and John Sparkman, who worked behind the scenes for them in 1943, were sympathetic. To be fair, though, Voorhis and Sparkman were an almost invisible minority. The best evidence we have from the Congressional experience with the conscientious objector is that it provides us with deeper insights into the beliefs of Lewis Hershey.

Some of the matters that came before Congress during World War II included CO wages, payments to CO dependents, and compensation for COs killed or injured during their service. While Hershey did not personally testify on all of these matters, the men who spoke to Congress either represented his views or spoke for him personally. One of the earliest points of argumentation to come before Congress was workmen’s

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<sup>5</sup>*Congress Looks at the Conscientious Objector*, (Washington, D.C.: National Service Board for Religious Objectors, 1943), 34, 51-52. This is a collection of primary records from congressional publications, such as hearings and the *Congressional Record*.

compensation for COS. Representatives of the Selective Service discussed this before the Senate Committee on Military Affairs' Subcommittee on August 19, 1942. The bill, S. 2708, intended to amend the Selective Service Act by extending the provisions of the Employee's Compensation Act of 1934 to men in CPS. The bill called for forty-two dollars per month to be paid to the dependents of an assignee in the event of his death or disablement.<sup>6</sup> The public reasoning for the bill was that it was a preemptive attempt to avoid claims on the Federal Government for COs injured or killed while in CPS. Hershey supported this measure, but could not attend the hearing in August.<sup>7</sup> In a letter written to the President of the Senate, he pointed out that the men in CPS camps exposed themselves to the same types of dangers that confronted the men in the Civilian Conservation Corps. It was perfectly within the realm of reason to predict that some injuries or deaths might occur in the course of camp operations. He also stated that the figure of forty-two dollars came from the amount provided as compensation by the Civilian Conservation Corps.<sup>8</sup>

Because Hershey could not attend the hearing, Kosch and Major J. T. Coatsworth represented his views. Kosch discussed the rights of the conscientious objector and the

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<sup>6</sup>Congress, Senate, Subcommittee of the Committee on Military Affairs, *Conscientious Objectors' Benefits: Hearing Before a Subcommittee of the Committee on Military Affairs*, 77<sup>th</sup> Cong., 2<sup>nd</sup> sess., 19 August, 1942, 1.

<sup>7</sup>Congress, Senate, Committee on Military Affairs, *Conscientious Objectors' Benefits*, 77<sup>th</sup> Cong., 2<sup>nd</sup> sess., Rpt. 1583, 24 August, 1942, 2.

<sup>8</sup>*Conscientious Objectors' Benefits*, 19 August, 1942, 1-2. It bears mentioning that the men still received no daily wage of any sort and the money accrued came from the total number of months a man worked in CPS in the event of death or disability. This money was to go to their survivors/dependents, not to the men.

nature of the CPS camps. He stated that the Selective Service supported the bill because it "...protect[ed] the government in future claims that might come up." He also outlined the duty of national service that Hershey had made clear countless times, both publicly and privately. Kosch said, "It is not combat service, it is not service in the Army, but it is a service that is set up by the law of the country; so, we feel that the Government is responsible for them, as long as this law is in effect."<sup>9</sup>

Hershey and Kosch's point of view concerning workmen's compensation was not the only significant testimony given during this hearing. Kosch and Coatsworth also discussed public opinion and COs, further revealing the views of their director, Lewis Hershey. Hershey's views on public opinion were a major factor in his actions concerning COs and they are discussed in the next section.

At this hearing, Kosch also discussed pay for the CO (beyond compensation for death or disability). Though Kosch's statements echoed those of his friend and superior officer Hershey, they also reveal that Kosch was brusquer and did not have the political savvy of his boss. Rather than discuss public opinion and avoiding negative publicity, Kosch outlined the lack of pay as a central feature of what defined conscientious objection. He contended,

We have been against payment due to the fact that we feel that the very fact that a man does not get paid is one means of sorting the conscientious objector from the slacker or the fellow who is just trying to hide behind the skirts of the religious objectors.<sup>10</sup>

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<sup>9</sup>*Ibid.*, 2-3.

<sup>10</sup>*Ibid.*, 6.

In one of the few times that a chamber of Congress supported conscientious objectors through legislation, the Senate passed this bill, but the congressional session ended before the House acted on it, delaying the bill until 1943, when the Senate Committee on Military Affairs heard testimony again in conjunction with a bill to end conscientious objection entirely.<sup>11</sup> It was then that Hershey took a strong stand in support of extending compensation to CPS assignees and rejected wholesale the idea of eliminating the provisions for conscience in the Selective Service Act.

Another one of the contentious issues Hershey discussed before Congress involved CO wages. He repeatedly told the Peace Churches that Congress would not support pay for COs and that they risked losing the entire program over the issue, especially if it came to the public's attention. However, his testimony before Congress suggests that Hershey was more concerned about public opinion than he let on to the churches. He even went so far as to suggest to Congress that a large percentage of the COs would not accept pay, which while not a lie, was not the complete truth either. Hershey argued that the lack of pay actually deterred men from declaring as a conscientious objector, because if paid, some might consider themselves noncombatants rather than civilian servants.<sup>12</sup>

When Hershey testified against eliminating the provisions for conscientious objection in 1943, he personally discussed his own views on the matter of pay. Hershey

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<sup>11</sup>Congress, Senate, Committee on Military Affairs, *Amending the Selective Training and Service Act of 1940, as Amended, so as to Extend the Benefits of the Employees Compensation Act to Conscientious Objectors*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., Rpt. 73, 1 March, 1943, 1.

<sup>12</sup>*Congress Looks at the Conscientious Objector*, 34.

argued that he did not believe the men in the camps would accept pay. He claimed that the conscientious objectors, much like him, did not want to bring public animosity down on themselves. He explained that COs paid their way or the religious agencies covered their expenses. The cost for each man was thirty-five dollars per month, and out of that thirty-five, each man received \$2.50 for personal items such as toothpaste, shaving cream, and other toiletries. However, there was no money in the system for labor wages. The men who worked in the forestry camps, soil conservation camps, and the mental hospitals did so for free. The men working on the farms had their wages placed in the frozen fund.<sup>13</sup>

When Senator Monrad Wallgren (D-WA), heard that COs were working for no pay, he told Hershey, “You are treating these fellows worse than the Japs,” referring to the Japanese-Americans placed in concentration camps under Franklin Roosevelt’s Executive Order 9066. Hershey replied, “Maybe so, but we have, in your State [*sic*], groups in two of your hospitals for insane, and there the food and so forth is furnished by the State of Washington in return for their services, and as to the \$2.50, the State of Washington pays them for taking care of these various matters.” In this case, Hershey implied that the public good from their work was more important than the lack of pay. Wallgren later pressed Hershey further, asking him outright, “Do you feel that they [COs in mental hospitals] should be paid?” This time, Hershey answered fully,

Definitely not. It would destroy the best public relations. The thing we have to consider is they have not received any pay so far, and I think I would be

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<sup>13</sup>Congress, Senate, Committee on Military Affairs, *Conscientious Objectors’ Benefits: Hearing Before the Committee on Military Affairs*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., 17 February 1943, 17.



supported by 60 or 70 percent of these people, who consider that that is one of the contributions they are making to show that they are really conscientious objectors and conscientiously believe what they came to believe, and I know some that will not accept, under any circumstances, Government money. I do not believe any of the Mennonite Church members, by and large, would accept any money.<sup>14</sup>

On the surface, Hershey's contradictions here are puzzling. Since the earliest negotiations in 1940, the Peace Churches had been trying gain fair pay for men assigned to Civilian Public Service. Hershey and Kosch were both major roadblocks in the Peace Churches' attempts. Hershey repeatedly stated that he did not support pay for COs. He also told the Peace Churches that the federal government, particularly Congress, did not support paying COs and they risked losing all of CPS over the matter (something Dykstra also pointed out to them when negotiations with President Roosevelt stalled in late-1940). While Wallgren's line of questioning suggests otherwise (though he was only one man), Hershey's reasoning to the Peace Churches may very well have been the case, but hard evidence is scarce.

Hershey also supported a stipend to be paid to the dependents of COs, yet, as was the case with workmen's compensation, Hershey was unable to attend a hearing on the matter. In the fall of 1943, Paul French appeared before the House Committee on Military Affairs, hoping to gain an expansion of the Federal Government's dependency allotment program for servicemen to cover CPS assignees. This was an important measure for conscientious objectors as serving in CPS created significant financial burdens on everyone involved; the COs, their families, their churches, and NSBRO. The efforts by French were part of a larger effort to revise some of the provisions for family allowances

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<sup>14</sup>*Ibid.*, 20.

for men in the armed services. French's testimony was a small, quick statement in a plethora of other government officials and lobbyists. French made it clear that there were no provisions for the families of COs. His idea was to take money from the CPS Frozen Fund in the U.S. Treasury and use that to help ease the financial burden on the families of CPS assignees. French also told the committee that this idea found favor in the Selective Service, particularly from Kosch. His proposed legislation provided for the money to go to NSBRO, where it would be properly redistributed to men beyond the previously defined terms of men in the armed services.<sup>15</sup>

French's measure, however, did not have enough support to be passed and made into law. The issue did not completely die at that time, though. The House Committee on Military Affairs recommended in May 1944 that a bill be passed to provide for the dependents of CPS assignees. The plan called for the money set aside in the U.S. Treasury's Frozen Fund to be released to the Selective Service for the purpose of providing for CO dependents. The families were to receive the money based on need, but the amount could not exceed the funding for the family of a man in the armed services. According to the wording of the bill, the person responsible for determining need would be Hershey.<sup>16</sup> Though supported by NSBRO, Hershey, and the House Committee on Military Affairs, three congressmen objected on the House floor and Congress adjourned

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<sup>15</sup>Congress, House, Committee on Military Affairs, *Allowances and Allotments for Dependents of Military Personnel: Hearings Before the Committee on Military Affairs*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., 29, 30 September and 1, 5 October 1943, 99-100.

<sup>16</sup>Congress, House, Committee on Military Affairs, *Authorizing the Appropriation of Amounts Received from the Service of Conscientious Objectors for Expenditure by the Selective Service System*, 78<sup>th</sup> Cong., 2<sup>nd</sup> sess., Rpt. 1581, 31 May 1944, 1-2.

with no vote being taken, allowing the bill to die and it would never be resurrected.<sup>17</sup>

Beyond the fact that Hershey's support for dependency reveals that he was sympathetic to the CO, it also reveals the limits of his influence. Congress did not extend coverage to COs and there was nothing Hershey could do about it.

The most illuminating facet of Hershey's testimony before Congress was his concern about public opinion. Nowhere else was Hershey as frank and open about how he believed COs should best be handled to avoid negative public reaction. Hershey believed that the best course of action for the CO was to stay out of the public eye. This is a sentiment echoed by Albert Keim and draft historian John O'Sullivan.<sup>18</sup> Hershey stated this bluntly to the Senate Committee on Military Affairs in 1943:

We have about 1,500 to 2,000 [CPS assignees] that are now acting as attendants in State [sic] hospitals for the insane. We have got quite a few of them that are in different zones of forestry work. Some of them are putting out fires up in the west coast of the country, but they must not be allowed to get too much credit for it. It isn't good for them. I wouldn't want the press to report this.<sup>19</sup>

Though Hershey does not appear to be terribly enlightened in this instance, he was not talking duplicitously to Congress and the Historic Peace Churches. If anything, Hershey was a master at playing the game of politics. He knew that speaking in a celebratory manner before Congress might have dire consequences for Civilian Public Service and conscientious objection as a whole. Furthermore, he sympathized with the COs,

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<sup>17</sup>Sibley and Jacob, 220-221.

<sup>18</sup>Keim, *The CPS Story*, 24-25; John O'Sullivan, *From Voluntarism to Conscription: Congress and Selective Service, 1940-1945* (New York: Garland Publishing, 1982), 201.

<sup>19</sup>Congress, Senate, Committee on Military Affairs, *Married Men Exemption [Drafting of Fathers]: Hearings before the Committee on Military Affairs, 78<sup>th</sup> Cong., 1<sup>st</sup> sess.*, 5 May, 15-17, 20, 22-23 September 1943, 137-138.

understood their position, and sought to protect and help them, but he did not agree with their nonresistant stance. As a part of the military establishment, he was a true advocate for the importance of military service and preparedness. He believed that it was in the best interest of the CO to stay out of the public eye, and he did not heap large amounts of hyperbolic praise on CPS or the assignees. Instead, he took a pragmatic approach, seeking to keep the negative reactions to a minimum.

During the August 19, 1942 hearing that Hershey could not attend, Kosch presented some testimony that might as well have come directly from Hershey. Kosch pointed out that Hershey and the Selective Service did not approve some of the larger social programs suggested by the Peace Churches because they did not want them to be publicized. In his blunt manner, Kosch stated,

We try to discourage that ['missionary work']. In other words, we are not setting up projects that puts [sic] them in a position where they can do, it [sic] like social-welfare work, teaching in schools, and so forth. We have had pressure put on us to put them in to teaching schools where they are short of funds, and so forth, but we have refused to do it, because we do not believe that the Government should be a party to helping these men spread their pacifist propaganda. Around these camps you find there is a certain amount of it done due to the fact that if the churches invite the people in to talk we can't say 'no' to it. However, if the churches do not ask them in, there is no particular way they have of spreading their propaganda on these jobs, because they are work jobs; and, as I say, we are opposed to setting up any type of project which would lend itself to the spreading of their propaganda.<sup>20</sup>

Major Coatsworth also appeared before the committee, personally representing Hershey. Mostly, his statements echoed those of Kosch, particularly in regards to support for the measure coming from a desire to protect the Government. Coatsworth also pointed out that the men were not "slackers," but their choice was a result of an

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<sup>20</sup>*Conscientious Objectors' Benefits*, 19 August 1942, 14.

“isolated” lifestyle in which they came of age “under the influence of their church and elders....”<sup>21</sup>

The line of reasoning from Kosch and Coatsworth appears insensitive on the surface, but an examination of the larger dynamics at work helps explain things. Granted, Hershey did not believe in the message of the conscientious objector, but he did believe in the privilege to object, provided that the objector performed some sort of national service. For Kosch and Coatsworth to say that the measure was simply for government protection was probably a political tactic to keep Congress from becoming overly hostile to CPS. If Kosch, Coatsworth, or Hershey were to stand in front of the subcommittee and say, “I believe they should be compensated because it is the right thing to do and COs should be protected,” they would have opened Selective Service to the possibility of having all of the conscientious objector provisions called into question.

In terms of his views on public opinion, Hershey’s most insightful and illuminating testimony before Congress during the war came in February 1943. In a hearing before the Senate Committee on Military Affairs, Hershey made official statements and answered questions concerning two bills. One bill (S. 675) considered the extension of the aforementioned Employee’s Compensation Act to conscientious objectors. The second bill, however, threatened to undermine the entire structure of conscientious objection in the United States. Senator Elmer Thomas (D-OK) proposed a bill (S.315) that would likely eliminate both Civilian Public Service and noncombatant

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<sup>21</sup>*Ibid.*, 8.

guarantees. Thomas's impetus for the legislation was from a resolution drafted by the Oklahoma American Legion and sent to Thomas. It read,

*Be it further resolved, and we petition, That the national legislative committee of the American Legion petition the Congress of the United States of America, for a change in the Selective Service Act, so as to eliminate the classification of 'conscientious objectors,' and amend the law, so as to provide that all men subject to the draft shall do service in the armed forces of the United States.*<sup>22</sup>

Thomas's legislation was simple and straightforward. He proposed, "That section 5 of the Selective Training and Service Act of 1940, as amended, is amended by striking out subsection (g) thereof."<sup>23</sup> Besides the threat to the Selective Service for the entire structure of conscientious objection, the possible elimination of noncombatant guarantees was deeply troubling.

On February 14, Hershey appeared before the Senate Committee on Military Affairs to discuss both S.315 and S.675, speaking broadly on the controversial topics concerning COs. In addition to his comments on the CO and public opinion, Hershey also mused on the relationship of the CO to the army, his concept of alternative service, and his own unique status. He stated that he did not support S.315 because he believed it placed an undue burden on the army. He said that striking out the option for noncombatant service was problematical. Those who were noncombatants did not mind serving in the Medical Corps, but extending noncombatancy to other areas might cause dissension among those serving or planning on serving as medics. He truly believed in

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<sup>22</sup>Congress, Senate, Committee on Military Affairs, *Conscientious Objectors' Benefits: Hearing Before the Committee on Military Affairs*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., 17 February 1943, 2.

<sup>23</sup>*Ibid.*

the mission of CPS and he did not view it as an invitation to “slackers,” as Senator Joseph O’Mahoney (D-NY) called them. Hershey assured the senators that he truly believed COs were completely sincere, reaffirming his earlier statements in 1940, in which he called for the protection of sincere objectors.<sup>24</sup> In sum, he said,

The Selective Service System believes that the Selective Training and Service Act of 1940, as amended, has, as a practical matter, reasonably solved a distressing situation, as in all wars, that of what to do with those whose conscience prevents them from participating in full measure in the Army.<sup>25</sup>

Second, Hershey did not support Thomas’s bill because he feared it would hurt army camp morale.

...as a soldier – I should say former soldier – I may say that [the COs’] presence in those [army] camps is very unfortunate, because they will go to prison or anything, except that they will not serve, and some of them have the martyr complex, some are a little psychopathic, and as a rule, sometimes if they are left completely alone, they will come around, whereas, if you arouse opposition, you develop a martyr complex, and they would do anything rather than fight. I would like to deprive the Army of having that problem to deal with.<sup>26</sup>

Thus, if the government left the COs alone rather than coercing them into military service, some of the CPS assignees would be “salvaged” and eventually join the army.<sup>27</sup> Again, this is an example of his nuanced and complex view of conscientious objection. He did not believe in the message of the CO, but he respected the privilege of conscience in a democratic society, as long as the objector performed some form of national service.

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<sup>24</sup>*Ibid.*, 15.

<sup>25</sup>*Ibid.*, 14

<sup>26</sup>*Ibid.*, 15-16.

<sup>27</sup>*Ibid.*, 16.

Hershey testified that he wanted to make the CO's sacrifice equitable to a conscript in the armed forces. He said, "I think by and large, the great majority agree that the thing, itself, [CPS] is a fine thing, and we have tried to parallel the army in the privileges and the withholding of privileges, and the granting of passes. We have pretty much applied to them about what the Army does. We do ship them away from their homes, we do not let them stay in their home territories." Keesling interjected that the Selective Service did not allow the assignees to stay on the land of relatives either, to which Hershey added, "That is a very bad public-relations problem right there." He pointed out that the Selective Service shipped inductees to entirely new locations, such as men from the East Coast serving on the West Coast, despite the high transportation costs.<sup>28</sup>

Hershey again outlined his preferred method of dealing with conscientious objectors and the American public. A. S. Imirie of Lewis Kosch's Camp Operations Division informed the senators of the Guinea Pig Units, in which COs served as test subjects for the Office of Scientific Research and Development and the Surgeon General's Office of the United States Army. Imirie noted that about seventy-five men were currently in the Guinea Pig Units. Hershey explained that they constituted about one percent of the CPS assignees at that time. Hershey said, "That is almost 1 percent,

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<sup>28</sup>*Ibid.*, 22.



not a very large figure, but I have opposed publicizing that sort of things because the conscientious objector, by my theory, is best handled if no one hears of him.”<sup>29</sup>

Hershey also described to the Senate Committee on Military Affairs how he rationalized his appointment as director of alternative service when the law calls for a civilian director. On that point, Senator John Chandler “Chan” Gurney (R-SD), said to Hershey, “You are not a civilian, as I see it.” Many during and after the war have criticized the federal government on this point. Hershey’s response was skillful. “[The Selective Service Act of 1940] did not say, ‘under a civilian;’ it said ‘under civil direction.’ No one has ever challenged it and I truly believe I would say, with a little satisfaction to me that the groups mostly involved agree that I am a civilian, at least when I deal with them.” Imirie noted that the individual camps all possessed civilian administrators, and Hershey made one final statement on the matter, saying, “The directors of these camps are hired, also, by the religious groups. The Government does not pay them.” Neither Gurney nor any other member of the committee pressed Hershey any further on the matter.<sup>30</sup> Beyond answering to some of the criticism, this exchange illustrates how Hershey viewed himself. Hershey did not believe he was just an army officer or just a civilian director, but a unique amalgam of the two. He recognized that he dealt mainly with civilians and often appeared in public wearing civilian clothes.

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<sup>29</sup>*Ibid.*, 23; and Sibley and Jacob, 143. The institutions responsible for the direction of these experiments come from the Sibley and Jacob citation. Imirie only cited the “National Research Council.”

<sup>30</sup>*Conscientious Objectors’ Benefits*, 17 February 1943, 17-18.

What one sees from Hershey's testimony before Congress on public opinion and the nature of the CO is that Hershey thought the best course of action for IV-E COs was to keep them away from situation that could reflect poorly on the Selective Service and threaten CPS. While he may or may not have been entirely correct, he firmly believed that keeping a tight lid on publicity was the best course of action. In doing so, his belief structure regarding public opinion shaped the direction of CPS by keeping the camps and other projects out of the limelight.

The denial of workmen's compensation or dependency benefits was not the only measure supported by Hershey that failed to get through Congress. Another example of Congress striking down a concept supported by Hershey was the CPS Training Corps. Developed during the latter part of 1942, the Training Corps's purpose was for preparing CPS men in the peace church colleges for overseas relief efforts. The Corps was the brainchild of Goshen College President Ernest Miller. He wanted to establish a program that could provide a college education for those already enrolled when drafted and train them in relief efforts, in the same way that military draftees could remain in college to take classes to prepare them to be officers in the armed forces.<sup>31</sup>

Orie Miller of the Mennonites and French met with Hershey on September 3 to discuss the Training Corps. Hershey initial reaction to the Peace Churches' proposal was supportive, but guarded. He told Miller and French that he would consider relief training, but wanted some time to contemplate the program. He had few reservations about sending men overseas as long as the Peace Churches obtained clearance from the State

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<sup>31</sup>Gingerich, 306.

Department. On September 7 during a follow-up meeting with French and Kosch, Hershey decided to approve the Corps once NSBRO submitted the specifics of the program.<sup>32</sup> Tentative approval for the plan came in November 1942.<sup>33</sup>

Though the churches had the support of Hershey, many of the NSBRO board members and representatives of the Peace Churches were apprehensive about the program's chances for Congressional approval. Miller pointed out the he was fearful of problems with the draft boards, which tended to be inconsistent and many were hostile to conscientious objectors and the concept of alternative service. For that reason, the Selective Service did not issue any memoranda to the boards concerning the Training Corps and the churches instructed draftees not to mention the program in any way to the local boards, reflecting Hershey's desire for CPS to keep a low profile. Men would be chosen for the Corps after receiving their IV-E classification.<sup>34</sup>

There were some disagreements within NSBRO over the number of men inducted into the Corps, with the initial estimates of six hundred men becoming a point of contention. Some NSBRO members wanted to induct as many as one thousand men. When French presented these numbers to Hershey, he listened to the suggestions, but he was only willing to approve two percent of the total number of men already in the camps for service in the Training Corps, which amounted to about 160 men. According to

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<sup>32</sup>French Diary, September 3 & 7, 1942.

<sup>33</sup>Gingerich, 306.

<sup>34</sup>E.E. Miller to Mennonite College Presidents and Local College Officers, December 17, 1942, P.S. Goertz Papers, Mennonite Library and Archives, North Newton, KS.

French, Hershey believed that he could not justify placing a large number of men in college when there was already a nationwide shortage of labor. Some of the Executive Board members did not quite believe that, but they wanted this program so badly that they were willing to compromise even beyond the reduction in manpower.<sup>35</sup>

Although the Training Corps had Hershey's support and approval, it never came to fruition. On July 1, 1943 Congress passed the Military Appropriations Act (H.R. 2996) with a clause added by Alabama Representative Joe Starnes, Chair of the House Sub-Committee for Appropriations. The Starnes Amendment ended the possibility of relief training in the colleges and relief aid overseas sponsored by CPS. It read as follows:

... [N]o appropriation contained in this Act shall be used for any expense pertaining to (1) the instruction, education, or training of *class IV-E conscientious objectors* in colleges, (2) the service of such conscientious objectors outside the United States, its territories, and possessions, (3) the transportation of such conscientious objectors to or from any college or any such service, or (4) the compensation of military or civilian personnel performing any services with respect to the matters set forth in (1), (2), or (3) above after the enactment of this Act, except any services which may be necessary promptly to terminate any such class IV-E conscientious objector college or foreign-service projects existing on the date of the enactment of this Act....<sup>36</sup>

This legislation effectively killed any possibility for CPS to train its men in peace church colleges or to send them overseas under the auspices of CPS during the war.

Starnes had expressed his disapproval of the Training Corps for about a month before the Military Appropriations Bill passed. He stated in a hearing on June 10, "The country would not approve such a policy in my judgment—these people should be kept at

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<sup>35</sup>French Diary, March 26, 1943.

<sup>36</sup>*Military Appropriations Act, Statutes at Large* 57, 350 (1943).

home at constructive work.”. Furthermore, he particularly did not care for army transportation to move the men to the foreign areas in which they would be providing relief. “The space used by these men should be used in transporting food, supplies and fighting men to China and our other allies.”<sup>37</sup> At least in a public sense, Starnes clearly sought to have the priorities of the United States be with winning the war and everything that entailed, rather than undertake attempts to rebuild while the war raged. This was also the view presented by the House Committee on Appropriations, of which Starnes was the Chair. In this instance, the committee considered it “incongruous ... to use such funds upon persons possessing convictions or beliefs that relieve them from the foremost obligation of every citizen to his country.”<sup>38</sup>

There were some less public reasons for Starnes’s rejection of the Training Corps in addition to his recorded statements. These reasons included, most notably, a general aversion to the role of the First Lady, Eleanor Roosevelt, in the federal government. Mrs. Roosevelt did play a role in approving of the concept of the Training Corps, working with Clarence Pickett of the American Friends Service Committee. Her role in government irritated many members of Congress and her efforts on the part of the Training Corps were no exception. Knowledge of this came from various meetings by Paul French with

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<sup>37</sup>Congress, House, Committee on Appropriations, *Military Establishment Appropriations Bill, 1944: Hearings before the Committee on Appropriations*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., 10 June 1943, 584-585, 587.

<sup>38</sup>Congress, House, Committee on Appropriations, *Military Establishment Appropriations Bill, Fiscal Year 1944*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., H. Rep. 566, Serial 10762, 14.

Kosch, John Sparkman (a fellow Alabama Congressman with Starnes), and Starnes himself.<sup>39</sup>

The various Executive Board members of NSBRO still held out some hope that portions of the Training Corps could be salvaged. French and M. R. Zigler met with Hershey on July 1 to discuss alternatives. As French recalled, Hershey was “sorry to see it go out. Congress’s action dismayed Hershey, but he also realized that he was limited in what he could actually do. French wrote, “[Hershey] was not inclined to evade a direct mandate of Congress through some administrative device. He said that he believed in a government of laws and not of men and that one of his major criticisms of the administration was that administrators ignored Congress and made their own laws.” French then asked Hershey if appointing a civilian to Camp Operations in place of Kosch would help their cause. Hershey replied that were it not for the clear desire of Congress to disallow the Training Corps, he might consider replacing Kosch for that purpose. Hershey said he would think about drawing his own salary as a civilian director, ending some of the ambiguities about military money and a civilian program. However, as with Kosch and his Camp Operations position, Hershey knew that doing so would not circumvent the intent of Congress in this particular instance.<sup>40</sup>

In August, Hershey wrote French, reiterating his stance toward the Training Corps and his desire to let congressional action stand. “Since Congress has definitely expressed itself on this Project [sic], I do not feel that I can take any action contrary to their

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<sup>39</sup>French Diary, June 25, 26, & 28, 1943.

<sup>40</sup>French Diary, July 1, 1943.

expressed wish nor any action that would circumvent it. Since this action was taken by the Congress as a whole, it is not felt that any one member can nullify it.”<sup>41</sup> Hershey may have been dismayed at the churches’ loss of the Training Corps, but he was adamant that he was not going to personally undermine the intent of Congress.

The experience of Hershey and Congress over the CPS Training Corps reveals a number of things. First, Hershey believed in the value of CPS and thought this plan was a noble endeavor, as evidenced by his initial support and his disappointment over the Starnes Amendment. Second, his meeting with French and Zigler to discuss alternatives provides further evidence that Hershey was indeed sympathetic to conscientious objectors and the desires of NSBRO to improve CPS. He was not a man who actively sought to restrict and place hardships on COs. He wanted the Training Corps to go through and when it did not, he felt sorry for the men who had invested much time and personal desire into the possibility of overseas relief, hoping to bring CPS closer to the “work of national importance” the legislation of 1940 called for. Finally, and most significantly, Congress’s rejection of the Training Corps revealed the limits of Hershey’s power. In a similar vein to the experience of dependency payments and workmen’s compensation, just because Hershey wanted a program to succeed or be passed, other portions of the federal government who disagreed could either set up roadblocks or overrule him. Hershey was not an all-powerful government bureaucrat. He was a military director of a

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<sup>41</sup>Lewis B. Hershey to Paul Comly French, August 23, 1943, General Hershey’s Staybacks, 1943, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

civilian institution who wielded enormous power and influence, was sympathetic to the CO, and respected the balance of power in the federal government.

Throughout his entire career, Lewis Hershey was a frequent visitor to the United States Congress, providing testimony on the multitude of subjects that were a part of national military manpower policy. During World War II, this was no different and he even discussed conscientious objection a few times. Congress's relationship with the conscientious objector was not a friendly one, though there were some congressmen who could be counted on to at least listen with a sympathetic ear to what the Historic Peace Churches had to say. The actions of Congress during the war were not supportive and it neglected to adopt any legislation that provided workmen's compensation for COs or dependent stipends to CO families. It also struck down the CPS Training Corps, and attempt to train COs for overseas relief and rehabilitation efforts. During the hearings or negotiations into these matters, Hershey's attitudes were quite clear during much of the testimony. Though the actions of Congress are of importance to conscientious objection, the most important information to emerge from the various hearings and negotiations are the complex and nuanced views held by Lewis Hershey. He openly and frankly discussed why he did not support pay for COs, relating to his belief that conscientious objection was an entity best left out of the public eye. Providing COs with a wage could arouse a negative public reaction, something Hershey definitely did not want to do. Hershey supported a workmen's compensation plan for CPS and payments to the dependents of CO families. However, his support for those possibilities, much like his support for the CPS Training Corps, revealed that his power as the Director of Selective Service was not all encompassing. Though he exerted enormous influence over



conscientious objection during World War II, his power was not limitless. He also mused on the relationship of the CO to the federal government and his own status as a military man in a civilian agency. Additionally, his support for the various failed suggestions and programs, though futile, further demonstrates that he was sympathetic to the COs' desires and hardships they faced during World War II.

Overall, Hershey's willingness to defend before Congress both COs and his efforts in administering alternative service illustrates that he truly believed in the concepts he put forth. If Hershey was indifferent to CPS, or simply did not care, he would not have made an effort to protect COs from congressional action or inaction. Though not always successful, his actions suggest that he believed he was doing what was best for COs and their relation to the American state and society.

## CHAPTER 9 – HERSHEY AND THE END OF CIVILIAN PUBLIC SERVICE, 1945-1946

As 1944 turned to 1945, much had changed for the U.S. forces fighting in Europe and the Pacific. After having staved off a last-ditch attempt for victory from the German army in the Ardennes Forest, the Allied forces advanced across the Rhine into Germany. The Pacific Theater saw the eventual recapture of the Philippines and the preparations for the invasion of Iwo Jima. However, the gains overseas meant little for conscientious objectors except for the possibility of a quicker end to the war and the demobilization of Civilian Public Service. Though General Hershey dealt with other issues surrounding conscientious objection, ending CPS in a streamlined fashion occupied much of his time for CO matters. Demobilizing CPS turned out to be a thankless task for Hershey. On one hand, COs and their Peace Church representatives wanted the quick and timely discharge of CPS assignees. On the other hand, Congress, veterans groups, and the War Department wanted to make sure that COs did not receive an “easy way out” of their national service obligations before the fighting men returned home from their overseas mission. Hershey was once again at the forefront of negotiations for matters concerning conscientious objection, and his beliefs and ideals towards the matter shaped his actions

in this phase, too. Keeping with his vision of alternative service comparable to that in the armed forces, his plans for demobilizing CPS initially mirrored plans for military demobilization, including a point system. However, resistance from Congress, veterans groups, and the War Department and Hershey's fears of negative reaction from the public led him to compromise on plans for discharging CPS assignees. The actual demobilization process, though wrought with controversy and frustration, worked and it stood as yet another example of Lewis Hershey's importance to conscientious objection in World War II, demonstrating his deft touch with political negotiation and his attempts to protect his vision for alternative service.

The discussions for demobilizing CPS did not begin until the European phase of the war ended with Germany's unconditional surrender on May 7-8, 1945. Hershey, Kosch, and the Historic Peace Churches worked together on a plan to end CPS and discharge the assignees in a timely fashion. Recall that Hershey had tried to implement alternative service and CPS in a way that mirrored the armed forces in terms of an individual's duty to serve. Hershey's beliefs towards ending CPS were no different, as he wanted to implement a point system for CO discharges similar to the army's. His initial plan involved one point earned for each month of service, twelve points for each child, and three points for a spouse. Men serving less than one year could not be released, and an assignee lost one point for each day's absence or refusal to work. Furthermore, no assignee could be released if he had any legal prosecution against him.<sup>1</sup> Though this plan

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<sup>1</sup>Selective Service to C.P.S. Camps, Administrative Directive #24, (printed in *Conscientious Objection*, 137); and *Selective Service and Victory: Fourth Report of the*

seemed perfectly reasonable to Hershey, he came up against much opposition almost immediately. As a result, he revised his plans considerably by the time the Selective Service began to send men home from CPS.

Most of the initial discontent came from Congress and veterans groups. The main point of concern for them was the use of points in determining the discharge of CPS assignees. Many saw this as an unfair system that made it easier for COs to go home sooner than those who fought overseas. It continued to be a source of frustration and disgruntlement between the Selective Service, Congress, the Peace Churches, and various veterans groups throughout 1945. Hershey found himself caught in the middle between two groups that he dealt with on a frequent basis. On one side were the veterans groups, such as the American Legion and the Veterans of Foreign Wars, who called for the CPS men to remain in camp until every draftee in the armed forces came home. On the other side were the Peace Churches, who wanted the men to be discharged as soon as possible.<sup>2</sup> Though Hershey dealt with many other matters concerning conscientious objection, the demobilization of CPS was the most pressing and most important CO issue he administered with during the final years of the war and immediately thereafter.

As mentioned before, there were some early portions of Hershey's plan that quickly fell by the wayside, such as how CPS men received their points. Hershey initially thought that men involved in the firefighting (smokejumping) and the Guinea Pig Units should receive a few more points due to their individual sacrifices and the dangers

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*Director of Selective Service*, (Washington, D.C.: Government Printing Office, 1948), 183.

<sup>2</sup>*Ibid.*, 184.

they faced, but little more appeared in discussions beyond his initial musings on the subject. On May 15, 1945, the plans for discharging CPS men based on a point system, age, and dependency appeared in *The Reporter*, the bi-weekly publication from NSBRO on matters concerning conscientious objection. This plan did not include extra points for the smokejumpers or the men in the Guinea Pig Units, but the men did receive one point for each month of service and twelve points for each dependent child, with a maximum of three children allowed. Hershey and Kosch also made it clear in late May that they wanted CPS to end six months after the end of the war with Japan.<sup>3</sup> This came to be wishful thinking on the part of Hershey and Kosch.

In June, the plan for the end of CPS became more clear and explicit. The Selective Service lowered the age limit from forty-two to forty. CPS assignees now earned three points for a wife in addition to the aforementioned credits for time served and children. June also marked the time when lost points for men who refused to work or were absent without leave at any point in their CPS service became publicly reported to the COs. The Legal Section of Selective Service also announced that CPS would be over six months after the end of the war.<sup>4</sup> However, as Hershey, Kosch, and the Peace Churches formulated plans for demobilization that summer, Hershey began to come under criticism from members of Congress and the veterans groups for what they viewed as unfair advantages being given to those who, in their minds, did not share in the sacrifices required by duty to the nation.

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<sup>3</sup>French Diary, May 8, 30, 1945; and *The Reporter*, May 15, 1945, 1.

<sup>4</sup>*The Reporter*, June 1, 1945.

The veterans groups in particular were vehement in their opposition to the CPS demobilization plan. They directed some of their critiques towards the spousal credit, because there were no points for spouses in the military's plan for postwar demobilization. The American Legion and the Veterans of Foreign Wars were quite clear to Hershey and the Selective Service that they did not support discharging COs before the men in the armed forces came home. The stock response from Hershey and the Selective Service was that they merely followed the legal dictates of Congress. Because the Selective Service Act of 1940 provided for conscientious objection and the Selective Service held administrative power over COs, they were entirely within their legal rights to provide for and administer demobilization proceedings for COs as they saw fit.<sup>5</sup> Their line of reasoning, though, did not quell the growing opposition to CPS demobilization.

The actions of the veterans groups brought Hershey to a boiling point. Hershey's task was to raise an army for combat without extensively disturbing the industrial and agricultural production of the nation, all the while setting and approving policies for conscientious objection. In all, it was a thankless job that brought criticism from many quarters. By 1945, Hershey's patience was running thin. By simply examining the matter of conscientious objection, one can see how Hershey's friendly demeanor with the Peace Churches during the first couple of years of the war began to change as he became more frustrated with camp discipline, administrative problems, and the ever-looming public opinion issue. Being told by veterans groups how to do his job (which was how he viewed the situation) was simply too much. Kosch relayed Hershey's attitude to French

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<sup>5</sup>French Diary, June 6-8, 1945.

during a meeting between the two on June 15. Hershey's staff drafted a number of letters to the various veterans groups responding to their critiques and outlining the stance of the Selective Service, but Hershey rejected them because the language in them was not forceful enough. Cooler heads prevailed when Kosch reasoned with Hershey. In the words of French, "The General felt that they should tell the Legion and the VFW that the matter was none of their business – with the usual Army profanity – and Kosch agreed with him, but felt it unwise to write such a forthright communication."<sup>6</sup> The public response from the Selective Service was that it only followed the law as set forth by Congress,<sup>7</sup>

The veterans groups were not the only people who thought the initial plans for CPS demobilization provided COs an unearned advantage. Hershey and the Selective Service faced criticism from Congress as well. Many of the grumblings in the legislature focused on the point system. The initial response from the Selective Service was the point system simply determined the order of a person's discharge, not the percentage of men sent home from CPS. Another source of criticism was that the CPS men had more opportunities to accumulate points because the Selective Service decided not to limit the number of children that could be counted toward a point total.<sup>8</sup> Congressman Arthur Winstead (D-MS) introduced legislation that strictly limited the demobilization proceedings for CPS. Winstead felt that it was "unfair" for COs to receive a wife credit

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<sup>6</sup>French Diary, June 15, 1945.

<sup>7</sup>*The Reporter*, June 15, 1945, 2.

<sup>8</sup>*The Reporter*, June 15, 1945, 2.

and points for children beyond the three received by those in the army. In the army, the maximum number of children for which a soldier could receive points was three, while there was not limit on children for men in CPS. As an alternative, Winstead offered a bill that made a point system for CPS *exactly* like the army's. However, as structured under Winstead's plan, no assignee would have qualified for a discharge from CPS based on points. Under this plan, the highest number of points possible for the CPS assignees was eighty-four (in most cases). They needed eighty-five points to be discharged. Winstead pointed to armed service morale as one of his major reasons for introducing the bill. He stated, "If the Selective Service follows this plan, it will be one of the most demoralizing blows to this country and to the men in service we have had during the entire war. If the conscientious objectors are conscientious, they will not want advantages over the fighting man."<sup>9</sup>

Privately, Winstead expressed a more tolerant viewpoint, but his words rang hollow with Kosch and French. Winstead told French in a personal conversation that he did not wish to end demobilization completely, but Kosch thought Winstead's motivations were more nefarious than he let on. Later, French came to agree with Kosch, believing Winstead had lied to his face. In order to keep demobilization going at an acceptable rate and avoid any impediments, Kosch was willing to drop the wife credit and limit the children for points to three, thereby mirroring the plan for the army, something Hershey clearly would have supported if only for avoiding more negative

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<sup>9</sup>*The Reporter*, July 1, 1945, 4.



reactions.<sup>10</sup> It was becoming quickly clear that Hershey needed to compromise if he wanted to send COs home in a timely fashion.

Winstead made even more restrictive, calling for complete removal of the point system for CPS. In an informal hearing before the House Committee on Military Affairs on July 9, the committee expressed that it did not support Hershey and the Selective Service's plan for the end of Civilian Public Service and instead backed Winstead's proposal. Responding to the charge that the Selective Service's plan was much too lenient, Kosch argued that the points system might seem more liberal than that of the armed services until one considered that the men received no dependency benefits. Another line of reasoning from Hershey's legislative liaison Frank Keesling maintained that CPS was a form of government or national service, comparable to serving in the military. Keesling implored the committee to consider the CO in government service as having status similar to that of a soldier. However, it was all to no avail. Only July 11, the committee approved the Winstead Bill, but at the behest of Congressman John Sparkman, one of the few legislators the Peace Churches could count on for support, it agreed to allow for hardship cases to be discharged. In its report, the committee described its motivation for backing the Winstead Bill.

It is the opinion of the committee that conscientious objectors performing assigned civilian work should not be permitted release to resume normal life while the armed forces are still engaged in combat with the enemy and members of such forces are denied release. To provide for release of such conscientious

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<sup>10</sup>French Diary, July 5, 1945.

objectors under the point system would adversely affect morale in the armed forces.<sup>11</sup>

The Winstead Bill, did not prove to be the final word in the demobilization of Civilian Public Service, as it never came to a vote in the House. However, it provided a significant roadblock for Hershey because the possibility of it passing remained for a time. With the Winstead Bill looming over their heads, Hershey, the Selective Service, and the Peace Churches sought ways to discharge conscientious objectors in a systematic fashion.

With the dropping of the atomic bombs on Hiroshima and Nagasaki on August 6 and 9 respectively, it appeared as though the war with Japan would be over soon. This was a fact not lost on Hershey as he appeared to be in an excellent mood during an August 8 meeting with Kosch and representatives of the Peace Churches. French claimed it was "...one of the most friendly meetings we have had with the General in a year or two."<sup>12</sup> By the end of August, with the Winstead Bill languishing in the legislative process, Hershey and Kosch decided it was in their best interest to implement their own plans for demobilization if the House of Representatives did not act on the bill by October 1. They had stopped pressing for the point system on July 19, waiting to see what Congress was going to do with the Winstead Bill, but they held out hope they could still implement some form of points. They were also going to try to have a representative

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<sup>11</sup>French Diary, July 9-11, 1945; *The Reporter*, July 15, 1945, 1-2; and Congress, House, Committee on Military Affairs, *Preventing a Point System from Being Applied in Connection with the Release of Certain Conscientious Objectors*, 12 July 1945, 79<sup>th</sup> Cong., 1<sup>st</sup> sess., H. Rep. 904.

<sup>12</sup>French Diary, August 8, 1945; and *The Reporter*, August 1, 1945, 1.

at the American Legion convention in September, to soothe some of the vehement resistance to the Selective Service's CPS discharge policy. Hopefully, they thought, they could prevent the American Legion from passing a resolution denouncing the demobilization plans for CPS.<sup>13</sup> This is further evidence of Hershey's desire to have public opinion reflect positively on the provisions for conscientious objection and to have all matters remain within the walls of national headquarters. Hershey definitely did not like outsiders telling him how to manage conscientious objection. Though he became frustrated with certain issues at times, he believed, and rightly so, that he alone held the power to decide exactly how CPS should end and the men should be discharged from their national service.

Hershey's desire for the Selective Service to maintain autonomy also manifested itself in his correspondence with the War Department, yet another entity that pressured Hershey on the CPS demobilization issue. One mistake Hershey made in his early plans for the end of CPS was that he did not consult the White House on the issue. President Harry Truman, in office after the death of Franklin Roosevelt in April 1945, was not particularly sympathetic to the conscientious objector. Hershey's plan also came under the scrutiny of the War Department. In June, Under-secretary of War Robert Patterson informed Hershey that he was not happy about Hershey's plans to demobilize quickly based on a point system. Patterson told Hershey that he understood COs were outside of

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<sup>13</sup>French Diary, August 28, 1945; and Lewis B. Hershey to Claude Pepper, August 8, 1945, General Hershey's Staybacks, 1945, part 3, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA. Hershey's letter to Senator Pepper states that the Selective Service issued a press release temporarily dropping the point system for CPS demobilization on July 19.

the War Department's jurisdiction, but he was concerned about the effect on morale in the armed forces "if men who refuse to fight are relieved prior to the relief of men who do the actual fighting." Patterson concluded,

"From the viewpoint of the War Department it would appear that an individual who has been classified as a conscientious objector and assigned to a civilian public service camp for work of national importance should not be released until the major demobilization is completed after the defeat of Japan."<sup>14</sup>

Hershey made it clear to Patterson that as the Director of Selective Service, he was the chief administrator of Civilian Public Service. He wanted to demobilize CPS as quickly as possible because the men in the camps received no benefits, yet many expected COs to remain in the camps for the same amount of time as the men in the armed forces. He argued that his system favored men with dependents to a greater degree than those in the army because of the lack of dependency allotments in CPS. Even so, Hershey was aware of the possibility of negative morale consequences if men in CPS went home more quickly and in greater percentages than those in the military overseas. He told Patterson, as he had told many others before, that the discontent from certain quarters, mainly veterans groups, seemed to be more with the laws established in 1940 than the present Selective Service administration of CPS. He said that if Congress did not think that the Selective Service was carrying out the original intent of the law, then Hershey was willing to change his approach. He firmly supported his stance and the work performed by the COs. He wrote,

Inasmuch as these men have complied with the law and performed the duty required of them, I can see no reason why they should be discriminated against. It

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<sup>14</sup>Robert P. Patterson to Lewis B. Hershey, June 27 1945, Letters to Hershey, 1944-1950, Trine University Lewis B. Hershey Collection, Angola, IN.

would appear just as logical for the Navy to complain that the discharge of men from the Army was detrimental to their morale at this time.<sup>15</sup>

The War Department, though, disagreed. and Patterson told Hershey that they wanted him to wait until Congress took final action on the Winstead Bill.<sup>16</sup>

Hershey formulated another line of argument beyond the “congressional will” justification. He intended to argue to the Budget Bureau that continuing CPS and keeping men in the camps for a prolonged period was a waste of taxpayer money. Hershey understood the effectiveness of using financial arguments with an agency that was fiscal in nature. When the war officially ended with Japan’s surrender in September 1945, Hershey still held on to his treasured point system for CPS (though he and Kosch suspended public advocacy of it), hoping to make the CO discharges as equitable as possible with those in the military. He and Kosch also suggested that CPS needed to end in three months. To facilitate this, Hershey met with a subcommittee of the House Committee on Military Affairs consisting of Sparkman, Paul Kilday (D-TX), Andrew May (D-KY), Dewey Short (R-MO), and Leslie Arends (R-IL). French believed that these particular committee members wanted to see CPS demobilize as quickly and painlessly as possible.<sup>17</sup>

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<sup>15</sup>Lewis B. Hershey to Robert Patterson, July 12, 1945, General Hershey’s Staybacks, War Department Staybacks, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

<sup>16</sup>Robert Patterson to Lewis B. Hershey, August 4, 1945, General Hershey’s Staybacks, War Department Staybacks, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA.

<sup>17</sup>French Diary, September 6, 1945.

After the meeting with the members of the House, Hershey was ready for demobilization to commence, but without one of his favored elements: there was to be no point system. The sub-committee members told Hershey that if the Selective Service instituted a point system, the Winstead Bill would be revived. The reasoning for this was the ever-present worry about public opinion. It concerned everyone on the sub-committee, Hershey, and Kosch. The representatives supported Hershey's plan, but they ordered that the Selective Service should in no way call it a point system and that they were not willing to go on the public record for supporting the plan. Public opinion and their possibility of reelection apparently trumped their concern for conscientious objectors. Even Winstead had no vested concern about conscientious objection. During a September 12 meeting, Kosch informed French "that Congressman Winstead told him that he had little personal interest in the bill he had proposed, but that he had introduced it at the request of veterans groups and would push it if the veterans demanded such action." Hershey and Kosch concluded that a rational approach to the situation would not work, and they needed to get men out of CPS as quickly as they could. They believed that a no-win situation was on the horizon with public opinion, especially with the veterans groups.<sup>18</sup> That meant dropping the point system entirely and discharging the oldest men in CPS quickly.

At a meeting on September 21, Kilday and Winstead agreed to allow CPS demobilization, and Winstead agreed to withdraw his bill. By mid-October, NSBRO thought it was no longer a problem in ending CPS. The plan for discharging CPS

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<sup>18</sup>French Diary, September 12, 1945.

assignees “on a basis of age, length of service, dependency, and hardship....” However, as had been made clear in previous meetings with congressmen, there was no point system in place. French wanted to get 3,500 to 4,000 men out of CPS by the end of 1945. Kilday and Winstead had no objection to those numbers, but Kosch doubted the administrative apparatus was up to the task. Soon after the meeting, Kosch and French agreed on a goal of 2,500 to 3,000 men out by the end of the year and assignees with more than two years of CPS service out by May 15, 1946.<sup>19</sup>

Hershey and Kosch also attempted to placate the veterans groups, particularly the Veterans of Foreign Wars. The VFW agreed to stop pressuring Congress on CPS demobilization in mid-September. Hershey decided to attend the VFW convention in early October to put forth the position of the Selective Service and, hopefully, to mollify the more obstinate chapters.<sup>20</sup> However, over the next few days, Hershey began to change his mind concerning CPS demobilization. He informed Kosch that he wanted the discharges of men to wait until the beginning of 1946, waiting for the various veterans groups’ conventions to occur. The only people he felt should be released until then were those over the age of thirty-eight. Hershey’s decision bitterly disappointed French.<sup>21</sup> French had worked hard to achieve timely discharges for the men in CPS, but he also knew the overwhelming power of Hershey in the Selective Service. If Hershey said no, then that was the end of the discussion.

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<sup>19</sup>French Diary, September 20-21, 25, 1945; and The Reporter, October 15, 1945, 1.

<sup>20</sup>French Diary, September 25, 1945.

<sup>21</sup>French Diary, September 28, 1945

Hershey's abrupt change of heart is somewhat puzzling. Throughout the summer of 1945, he had supported the efforts to demobilize CPS and discharge the assignees. Recall, though, that Hershey was always conscious of public opinion and the sometimes tenuous regard Congress held toward conscientious objection. Hershey sensed that it was best to wait until after the national VFW convention and allow some of the most vicious attacks on conscientious objection to die down.

French traveled to the VFW convention in Chicago to convince Hershey to change his mind. Hershey demurred, saying the VFW lobby simply had too much pull in Congress and that pressing for immediate demobilization while military personnel were still overseas risked making matters even worse for COs. French reminded Hershey that some of the men in the camps believed that they were being singled out and refused equal treatment because they had taken an unpopular stance during the war. Hershey legitimately sympathized with them and wanted to see them discharged in a timely fashion, but he firmly held that waiting until early-1946 was the best way to avoid a public relations or legislative problem. French continued to press Hershey on this issue, and Hershey listened with concern, but he refused to relent. He even cited the American Legion's national convention in November as a further reason to avoid large-scale CPS discharges in 1945.<sup>22</sup>

This was simply not acceptable to the representatives of the Peace Churches. On October 10, French and Paul Furnas, Director of Friends CPS; Albert Gaeddert, Director of Mennonite CPS; and Harold Row, Director of Brethren CPS, met with Hershey and

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<sup>22</sup>French Diary, October 3, 6, 1945.



Kosch to voice their displeasure. They called for more immediate demobilization of Civilian Public Service and that it “should continue on a systematic basis,” the position of the veterans groups notwithstanding. They did not give the same credence to the reaction of the veterans groups that Hershey did. Hershey reaffirmed his stance, again citing public opinion as his main reason. After three hours of deliberation with the Peace Church contingent, he was more receptive to a limited demobilization in 1945. He believed that by November 30 he could discharge men over thirty-eight, and those over thirty-five with two or more years of service. He thought that men with four years of CPS service could be out by December 30 and that proceedings for the discharge of men with three years of service could begin on January 1, 1946 and finish May 30. The next day, though, he made it clear that while their agreement stood, he was not going to issue a public declaration or put a formal decree in writing, because he still felt that it could cause a negative public reaction.<sup>23</sup>

At this time, Hershey believed that much of the discontent towards him and his organization over the demobilization of CPS would soon pass now that the fighting in the Pacific Theater was over. This was something he expressed often in his official correspondence, particularly with senators and representatives. As the opposition died down, Hershey believed that it would become much easier to release men from their alternative service.<sup>24</sup> He also believed that his new plan would not rouse the ire of the

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<sup>23</sup>French Diary, October 10-11, 1945.

<sup>24</sup>Hershey to Pepper; Lewis B. Hershey to Aime Forand, October 2, 1945, General Hershey's Staybacks, 1945, part 3, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA; and Lewis B. Hershey to Henrik Shipstead, October 2,

public. However, remaining cautious, he did not announce the CPS demobilization plan publicly until February 1946.<sup>25</sup>

Hershey and Kosch were concerned with public opinion, though, from the end of 1945 into early 1946. In early 1946, Kosch publicly responded to an editorial in the *Washington Daily News* that actually supported the COs. Now, Hershey and Kosch faced criticism on both sides of the equation. The editorial in the *Daily News* criticized the Selective Service for its slowness in discharging the men from CPS. In response, Kosch wrote, "Inasmuch as conscientious objectors did not start their program until approximately six months later than the armed forces, it is felt that in fairness to everybody concerned their demobilization should fall somewhat behind that of the armed forces."<sup>26</sup>

Another issue that Hershey dealt with during the latter part of 1945 and into early 1946 was the end of the draft itself. Because Hershey's primary role was to administer the draft through the Selective Service, the possibilities of ending the draft commanded much of his attention. Hershey saw conscription in the United States after the war as a means of ensuring global security, but the armed forces disagreed with his emphasis on an army of draftees. Congress, too, wanted to end the draft. President Truman took a different approach. Truman wanted to replace the draft with Universal Military Training.

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1945, General Hershey's Staybacks, 1945, part 3, Lewis B. Hershey Collection, Army Heritage and Education Center, Carlisle, PA. This is a small sampling of Hershey's numerous responses citing his belief that V-J Day lessened some of the criticism levied toward the Selective Service concerning CPS discharges.

<sup>25</sup>Flynn, *Lewis B. Hershey*, 133.

<sup>26</sup>*The Reporter*, February 1, 1946, 1,4.

Under his plan, all eligible men would receive military training for six months instead of military service for a specified duration, though his plan did not come to pass. From the military came the argument that while ultimately the draft was not the answer, the army of occupation required conscripts to fill its ranks. Then, in early 1946 manpower problems emerged. Low draft calls coupled with a low volunteer rate meant that demobilization became more deliberate. Hershey, along with others such as General Dwight Eisenhower, Robert Patterson, and Secretary of State James Byrnes called for the draft to be lengthened. Furthering the intensity of the argument was the emerging tension with the Soviet Union over foreign policy and fears of Soviet aggression in Eastern and Central Europe. As a result, in June 1946 Congress extended the draft to March 31, 1947.<sup>27</sup>

By the spring of 1946, CPS demobilization was still crawling along too slowly for the taste of the Peace Church representatives. Though a plan was in place, they believed that not enough men were leaving the camps. On March 4, Hershey and Kosch met with French, Furnas, M. R. Zigler of the Brethren, and Orie Miller of the Mennonites. The Peace Church contingent expressed their desire for a faster rate of release. Kosch responded that over fifty percent of the men in CPS had been sent home, which was actually a higher rate than that of the army. Hershey told the men that plans were for all men with eighteen months of service to be discharged by October and after that, eighteen months' service would automatically merit release from CPS.<sup>28</sup>

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<sup>27</sup>Flynn, *The Draft*, 89-90, 93-96.

<sup>28</sup>French Diary, March 4, 1946.

By the end of January 1946, the Selective Service had demobilized about forty-five percent of the men in CPS, compared to about sixty-one percent in the military. Although the Peace Churches may have been unhappy with the rate of discharge for CPS, the Selective Service sent men home at a fairly steady rate from late 1945 until early 1947. To be fair, the steadiness of the rate was never an issue with the churches; rather, it was the quantity of men being sent home. Though the Selective Service continuously sent men home throughout 1946, the last man did not leave CPS until the end of March 1947, the same time the Selective Training and Service Act of 1940 expired.<sup>29</sup>

All told, about twelve thousand men performed their national service in an alternative fashion by serving in CPS. This was out of the seventy to seventy-five thousand men who initially claimed to be conscientious objectors. An estimated twenty-five thousand men served as noncombatants in the military, fourteen thousand were reclassified after first receiving a I-A-O or IV-E classification, the Justice Department convicted sixteen hundred for failure to report, and roughly twenty thousand men who claimed CO status never received that classification from their local draft board.<sup>30</sup>

During World War II, the United States had 34.5 million men register for the draft. The fifty-two thousand men who received either the I-A-O or IV-E classification made up about .15% of the total draft population. The largest percentage of COs came from the states of Kansas, Indiana, and Washington. Not surprisingly, the largest denominational representation in the CPS camps came from the Mennonites (4,610 men),

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<sup>29</sup>*Conscientious Objection*, 313; Flynn, *Lewis B. Hershey*, 134; Flynn, *The Draft*, 96; and Gingerich, 85.

<sup>30</sup>*Conscientious Objection*, 313-315.

the Brethren (1,468), and the Society of Friends (902). However, the Methodists (845) and the Jehovah's Witnesses (532) also had a strong representation compared to other denominations in CPS.<sup>31</sup>

Though Hershey was an immensely powerful person within his own bureaucratic institution, he was not above the political process, and he was not able to inflict his will wantonly on any organization or group he chose. Hershey was also adept at the political game as evidenced by his dealings with Congress throughout the war and during the negotiations for demobilizing Civilian Public Service. Were it not for Hershey's efforts in discharging CPS assignees, Congress or the War Department might have required COs to remain in camps even longer. Granted, the men remained in camps for longer than the Historic Peace Churches may have wanted, but Hershey was walking a fine line throughout 1945 and 1946. Trying to make two groups happy when they came at the issue from two entirely different viewpoints was a thankless task, but one that Hershey performed adeptly. He put forth the best plan possible given the situation. He needed to make sure that Congress or the veterans groups did not become too agitated while maintaining some form of demobilization that was fair to conscientious objectors. It may not have been the result for which COs had hoped, but the likelihood of any person doing better than Hershey was low. Indeed, this was yet another example of how Hershey shaped alternative service and in some ways, protected COs from entities that did not have their best interests at heart.

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<sup>31</sup>*Ibid.*, 314, 318.

## CHAPTER 10 - EPILOGUE

As CPS demobilized in 1946 and into 1947, Hershey began to muse on the successes and failures of the alternative service program. During the final days of CPS, Hershey and Kosch discussed with the Peace Churches what they believed had worked and what needed to be changed in the future. In those CPS evaluations, many came to the conclusion that if any person other than Hershey had been in charge of conscientious objectors during World War II, the tale of COs would have probably been much different and perhaps even tragic. However, though many lauded Hershey's leadership in a difficult position, not everyone held a celebratory view of his role. Throughout the years of Hershey's term as director, the concept of alternative service for conscientious objectors remained intact, though there was a brief period of deferment for COs during the early years of the Cold War. There were changes, as the Supreme Court altered the fundamental definition of who was a conscientious objector in the case *United States v. Seeger* (1965), but alternative service remained firmly entrenched. By firmly outlining the service duty of *all* eligible men, Hershey's administration of conscientious objection during World War II established the principle that even if a man objected to military service, his national obligations must be fulfilled. These tenets remained firmly in place

as Hershey continued to be the Director of Selective Service until his removal by President Richard Nixon in 1970.

After a long and sometimes tenuous six years of CPS, Selective Service Director of Camp Operations Lewis Kosch mused on what the best alternative service policy would be for the future. Kosch felt that the church administration made things entirely too difficult. He and Hershey wanted the COs to work directly for the government rather than the Peace Church service agencies. They both believed that COs receive pay, dependency benefits, and workmen's compensation. Furthermore, alternative service should not be seen as a lesser form than the armed forces. In their eyes, the government should sponsor a civil service program equal to the armed service but less confusing and convoluted than the numerous administrative groups and projects sponsored by various government agencies.<sup>1</sup>

About the same time as Kosch was meeting with French in July 1946, Philip Jacob and Mulford Sibley, authors of *Conscription of Conscience*, were interviewing Hershey for their book. In this interview, Hershey echoed some of Kosch's views, but Hershey had more to say on other topics as well. Hershey believed that COs should be paid and the funds should come from the government, though a CO receiving higher pay than an army private could cause a public relations problem. He also believed that the most efficient way to ensure CO compensation was probably a government-controlled camp system rather than the cumbersome dual administrative roles of CPS. However, he also supported "private agencies and individuals" developing and supporting CO

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<sup>1</sup>French Diary, July 11, 1946.

programs without pay, if men chose to work in those endeavors. Hershey also commented “in vigorous language” that he supported dependency and compensation payments to CPS assignees, reaffirming the position he had put forth to Congress.<sup>2</sup> However, Hershey eventually changed his mind about the camps. For the remaining years of conscription in the United States, the Selective Service did not use work camps as a means of alternative service. It did, however, retain control over conscientious objectors.

In his evaluation of CPS and the Selective Service’s handling of conscientious objectors, Hershey was cognizant of his own responsibility for both CPS and the assignees. He noted that President Roosevelt’s executive order placed the responsibility for the conscientious objector on him. Although he delegated some of his authority to men like Lewis Kosch, any problems that emerged came to his feet no matter the circumstances. The final say rested with Hershey alone. He was grateful to the Peace Churches for their help in developing CPS because he believed that they knew better than anybody else the nature of the objectors.<sup>3</sup>

Hershey was the federal government’s authority on conscientious objection and became the architect of alternative service. Though he had to compromise at times and delegate his authority, in the end it was Hershey’s voice that rang above all others on the matter, whether in public or behind closed doors.

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<sup>2</sup>Memorandum on Conversation with General Hershey – Sibley and Jacob, 1.

<sup>3</sup>*Ibid.*, 2.



Hershey also evaluated the role of the Peace Churches in administering CPS. He had glowing remarks for the Mennonites. He believed that they had the best and smoothest administrative system because the local Mennonite ministers and fathers provided an authoritarian tradition. He found the Brethren to be more in the middle, but to him, the Friends caused considerable trouble. Sibley and Jacob relate that, “Hershey said the Friends believed no one should give orders to anyone else.”<sup>4</sup> Recall that most of the discipline problems in the camps came from those operated by the AFSC. Furthermore, the AFSC was frequently at odds with Hershey and the Selective Service over the administration and direction of CPS. There appeared to be no love lost between the AFSC and Hershey.

Hershey was willing to admit that CPS definitely had its problems and failed at some of its objectives. He said that the introduction of the government-run camps was a result of those failures. Hershey claimed that there were three reasons for men to be assigned to government camps: “they were persona non grata in church camps,” they “didn’t want to be on church charity,” or they “did not want to be subjected to religious rites – to be ‘prayed over’ at meals, as [Hershey] put it.”<sup>5</sup> Therefore, in Hershey’s mind, the government camps existed to solve some of the problems in CPS by providing a place for the recalcitrant COs, some of whom likely did not fit the “religious training and belief” definition of the Selective Service Act.

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<sup>4</sup>*Ibid.*, 2.

<sup>5</sup>*Ibid.*, 3.

Hershey and his staff were constantly concerned about public opinion in CPS. They made sure to select projects and locate camps in areas where they believed there would be less resistance to conscientious objectors. There were not many camps in the South, nor did they put any in Oklahoma, where, according to Sibley and Jacob, “greater intolerance was expressed toward c.o.’s than anywhere else in the country.” Hershey maintained that though there was greater public acceptance of conscientious objectors during World War II then there had been during the First World War, people of older generations and veterans groups were still likely to harbor ill feelings towards COs. He mentioned that in confronting the veterans groups, Kosch could be particularly persuasive, appearing in his military uniform with a “Prussian” bearing (Hershey’s words), and telling them “I don’t like the damn thing, but it’s the law.”<sup>6</sup>

Finally, Hershey reiterated his belief in the role of local draft boards and the importance of a decentralized system of conscription. For him, a true democratic government was decentralized. He believed that the draft boards, overall, had done a adequate job in the classification of COs, though there were some instances of discrimination.<sup>7</sup> Hershey’s belief in the importance of the draft board was central to his concept of conscription in the United States. Conscientious objection was also handled in a decentralized fashion, true to Hershey’s wishes. For example, in a 1955 interview, Hershey, speaking specifically about the Jehovah’s Witnesses, decried national centralized definitions of classification as denying certain Americans the freedom of

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<sup>6</sup>*Ibid.*, 4.

<sup>7</sup>*Ibid.*, 5.

worship. He said, “If we decide in Washington that a certain man is not a minister of the Gospel, when he says he is, then we are denying to a segment of the population the right to worship as they choose.” Using some of his trademarked humor, he remarked, “Jesus himself couldn’t have gotten deferment as a minister under some standards. He was engaged in secular employment – he was a carpenter.” Finally, he brought his comments full circle when he said, “I know many persons have taken advantage of this loophole, but I’m willing to get away with it in order to protect freedom of worship in America. You can’t have conformity and liberty at the same time.”<sup>8</sup> Where Hershey drew the line was the insincere objector.

Although there were other men involved in the creation of alternative service during World War II, none were more instrumental than General Lewis B. Hershey. This was not lost on those who clamored for greater recognition for conscientious objection. Without delving too deeply into a dangerous game of counter-factual history, a military man other than Hershey in charge of the draft and conscientious objectors opened the possibility of a nightmare scenario similar to World War I. Numerous men who worked for the benefit of conscientious objectors said as much during or after the war. One example was the executive secretary of NSBRO, Paul French. Though their relationship was strained at times, particularly during the latter years of the war, Hershey and French

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<sup>8</sup>*Cleveland Press*, June 9, 1955. Hershey’s discussions of ministerial deferments particularly apply to the experience of the Jehovah’s Witnesses during World War II. The Jehovah’s Witnesses sought a ministerial exemption but found it difficult to gain that classification from the local draft boards or the lack of sympathetic ears at the higher levels of government bureaucracy. It was a sticking point for Hershey, NSBRO, and the ACLU that resulted in thousands of Jehovah’s Witnesses being imprisoned during World War II for draft law violation. For further information, see Kohn; Sibley and Jacob.

bore a mutual respect for one another. French spoke quite highly of Hershey, noting many times that Hershey was a “big man” above petty bureaucratic squabbles and biases aiming for what was best for the conscientious objector.<sup>9</sup> Other men saw this as well. Joseph Weaver, a Mennonite NSBRO staff member, commented that without Hershey, “we would have never gone through the war as intact as we were as a peace organization.”<sup>10</sup> Weaver’s statement illustrates that Hershey’s efforts created an atmosphere that allowed for the Historic Peace Churches to maintain their peace witness while Hershey argued that all eligible men were required to serve their nation in some capacity.

The best evaluation of Hershey’s importance to conscientious objection came from M. R. Zigler, a major leader in the Church of the Brethren throughout the twentieth century. Zigler’s efforts in peacemaking garnered him much attention both in the Church of the Brethren and other Protestant denominations. Though French had more frequent contact with Hershey throughout the war, Zigler was the chief executive of NSBRO and developed both a personal and professional relationship with Hershey. Over the years, Hershey and Zigler became good friends. At Zigler’s behest, Hershey attended the Church of the Brethren Annual Conference in 1944 and Zigler’s On Earth Peace meeting in 1974. Hershey viewed Zigler with “respect” and “affection.” In an interview published in 1996 (many years after the deaths of both men), Zigler said that Hershey was “very sympathetic” to the COs and stated,

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<sup>9</sup>This is apparent in French’s diary, particularly during the first couple of years of the war.

<sup>10</sup>Bush, 73.

My own judgment, he's [Hershey] a good man. Very good man. He had been a head of Boy Scouts along with his military, which explains some things to me, and I feel personally that Mr. Hershey had a religious background, even though he didn't belong to any church, at least he claimed he didn't. He always said he was never washed [baptized]. But on the question of religious liberty he was very strong. And I would say that perhaps he was the finest exponent of religious liberty that I've ever met, and certainly the best as far as any officials in American government are concerned. He had a deep respect for opposition and even wished that that could be the position of everybody. I mean, he didn't like war.<sup>11</sup>

Zigler had a long and storied career within the Church of Brethren and had the opportunity to meet thousands of people for whom he could develop a sense of their stance towards religious liberty. For him to say that Hershey was “the finest exponent of religious liberty I’ve ever met” bordered on hyperbole, but it was a statement grounded in truth. Zigler’s remarks reflect the deep appreciation Zigler had for Hershey along with the rare traits Hershey possessed, something many members of the Historic Peace Churches often found lacking in the American government. Zigler, in the same interview, also pointed out just how important Hershey was in steering conscientious objection in a new direction during World War II, not only shaping a working relationship between the churches and the federal government, but also establishing alternative service as the means of providing for conscientious objection. When asked whether or not the Peace Churches’ relationship with the government “worked fairly well,” Zigler responded, “Yes, but if we had a different man than General Hershey, ... I don’t know what might have happened. I think that ought to be said.”<sup>12</sup>

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<sup>11</sup>Donald Durnbaugh, *Pragmatic Prophet: The Life of Michael Robert Zigler* (Elgin, IL: Brethren Press, 1989), 129, 185, 277; and Zigler, 6.

<sup>12</sup>Zigler, 15.

However, not everyone celebrated Hershey as a great arbiter of tolerance within the government and military establishment. No person was as sharply critical of Hershey and Civilian Public Service as Gordon Zahn, a Catholic conscientious objector. Zahn believed that conscientious objection was a right, not a privilege. Zahn was particularly critical of Hershey's and the Selective Service's policies and actions towards COs during World War II. He stated that Hershey was wrong to seclude COs in remote camp locations. Most of his criticisms about CPS were about perceived inequities in the program. If Hershey had been truly concerned about the equality of sacrifice between COs and servicemen, there would have been pay and benefits for COs just as there were for soldiers. He also believed that, "Men were routinely inducted into Civilian Public Service who never would have been accepted by the military."<sup>13</sup>

One of Hershey's greatest abilities was to compromise in difficult situations and protect COs and alternative service from opponents. However, Zahn was critical of Hershey in this respect as well. He wrote,

To give him his due, General Hershey did try to protect CPS from the more vindictive attacks and demands of Congressmen, veterans organizations, jingo-journalists, and the like. The protection, however, took the form of cushioning and compromising – in almost every case at the expense of those he was protecting. Indeed, there are perfectly good sociological reasons to assume that he and the officials around him shared the general disapproval of conscientious objectors. Given the circumstances, it is likely that concern for bureaucratic convenience and defence of 'turf' may offer a better explanation for those efforts

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<sup>13</sup>Gordon Zahn, "A Pacifist's View of Conscientious Objection," in *Selective Conscientious Objection: Accommodating Conscience and Security*, ed. Michael F. Noone, Jr. (San Francisco, CA: Westview Press, 1989), 59. For Zahn's memoirs on his time in CPS, consult Gordon Zahn, *Another Part of the War: The Camp Simon Story* (Amherst: The University of Massachusetts Press, 1979).

to forestall adverse public reaction than concern for the men themselves or respect for their rights.<sup>14</sup>

As an objector, Zahn was clearly critical of the fundamental concept of CPS and Hershey's methods of incorporating alternative service and he was certainly entitled his opinion. However, Zahn's criticism that Hershey possessed a "disapproval of conscientious objectors" misses the mark entirely. Hershey may have disagreed with their stance toward military service, but his actions did not reflect a disdain for COs.

As it turned out, Hershey's insights into public opinion and his desires to protect COs from negative publicity were more on target than Zahn gave him credit for. During the war, Princeton psychologist Leo Crespi undertook a study to discern the attitudes of some Princeton students towards conscientious objection. The purpose of his study was to test the 1923 findings of Clarence Case, a sociologist who argued in *Non-Violent Coercion* that there was a general, negative view of COs throughout society. Crespi administered a test to one hundred sixty-three Princeton students from sixteen to twenty-three years of age. Crespi found that rather than being overwhelmingly hostile, the students were more neutral in their attitudes. He also discovered that the students were more accepting of religious-based objection than the secular variety. Furthermore, if an objector fulfilled his service duty, the students were more tolerant. In other words, the more work an objector did, the more he became accepted in the eyes of non-objectors.<sup>15</sup> These findings reveal attitudes very much in line with Hershey's thinking.

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<sup>14</sup>Zahn, "A Pacifist's View of Conscientious Objection," 59-60.

<sup>15</sup>Leo Crespi, "Attitudes toward Conscientious Objectors and Some of Their Psychological Correlates," *The Journal of Psychology* 18, no. 1 (July 1944): 82-83.

However, Crespi did not find overwhelming sympathy for the CO. Most of the students (seventy-eight percent) were against COs proselytizing their views, or convincing other people of their conviction. Furthermore, eighty-three percent approved of keeping the names of conscientious objectors out of print in newspapers “in order to protect them from intolerance.”<sup>16</sup> This piece of evidence suggests that while the students at Princeton may have been tolerant, there were bound to be sectors of American society that were not. They believed most COs were sincere in their beliefs, but that was not necessarily the case among all Americans. In the final line of his article, Crespi concluded, “... [A]ttitudes towards CO’s are as diverse as the individuals who hold them, and related significantly to their frames of reference.”<sup>17</sup> All of this underscores the wisdom of Hershey’s attempts to keep the COs and alternative service out of the public eye.

The fact that a number of people involved in conscientious objection appreciated Hershey’s administration of alternative service speaks volumes about his importance. As evidenced by their actions during the interwar period, the Peace Churches wanted to avoid the poor treatment and confusing policies of World War I. There were bound to be disagreements and tensions between Hershey and the churches because they approached the matter from two separate viewpoints, but many of those involved understood the difficulties Hershey faced and they appreciated his efforts. Hershey’s cooperation with the Peace Churches was not just significant because it helped to shape conscientious

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<sup>16</sup>*Ibid.*, 96-98.

<sup>17</sup>*Ibid.*, 115-116.



objection. It was also significant because many of the leaders in the Historic Peace Churches found this high-ranking officer in the army to be a person with whom they could work with and respect, something unseen in the years prior to World War II.

CPS formally ended in 1947, and it would not return to the American landscape again throughout the rest of the twentieth century. Though this “experiment in democracy” did not last after the end of the World War II-era draft, the fundamental concept behind it, alternative service, remained firmly entrenched.

The initial concern of the Historic Peace Churches in the postwar era was President Harry Truman’s call for universal military training (UMT) rather than conscription and military service. Though his plan did not ultimately pass, an escalation of tension between the United States and the Soviet Union led to the reinstatement of the draft in 1948. The Selective Service Act of 1948 was quite similar to that of 1940 concerning conscientious objectors, but with explicit language that only religious objectors qualified for CO classification and civilian service. The impetus behind this was to avoid the ambiguities about political, ethical, and moral objectors that had bedeviled Hershey during World War II.<sup>18</sup>

The provisions for conscientious objection, found in section 6 (j) of the 1948 Act, were much more explicit than they had been in the previous acts. It read,

Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual’s belief in a relation to a Supreme Being involving duties

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<sup>18</sup>Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 39.

superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code.<sup>19</sup>

Whereas the Selective Service Act of 1917 had limited objection only to those members of the Historic Peace Churches and the Selective Service Act of 1940 was ambiguous in what constituted “religious training and belief,” the 1948 version was much clearer on these points.

Conscientious objectors found themselves in a new situation than in 1940-1947. Rather than requiring induction and alternative service, the 1948 Act granted a deferment to any CO who did not accept noncombatant military service.<sup>20</sup> The deferments did not last long, though. Part of the reason for the total deferment was that Hershey did not want to be directly responsible for administering a program of alternative service for COs. Because the United States was not at war, people were more tolerant of a complete deferment. That point of view eventually changed. The 1948 draft law was to last for five years, but an amendment cut the length of the draft to two years. President Truman and Congress then extended the draft only a matter of days after the invasion of South Korea by North Korean forces, with the intent of conscription lasting for one year. Deferment continued for conscientious objectors, but it did not last. The higher number of draft calls and increasing casualty lists caused a fair amount of criticism of officials for the perceived lack of sacrifice by conscientious objectors. Ray Wilson, a Quaker in the Friends Committee on National Legislation believed that Hershey did not want to reinstitute CPS because of the difficulties incurred during World War II, but Wilson

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<sup>19</sup>*Selective Service Act, Statutes at Large* 62, Part 1, 612-613 (1948).

<sup>20</sup>*Ibid.*, 613.

envisaged the return of the program due to the new war. The wording of the new draft legislation in 1951 called for COs to engage in “work of national importance,” just as they had during World War II.<sup>21</sup> The total deferment of COs ended, and some form of national service was once again required of all drafted men.

Although Congress determined that alternative service should return to the United States, there was no consensus on what form that service was going to take. The only item that seemed to be clear was that work camps were not ideal, and very few supported a model of service based on CPS. Furthermore, nobody else in the federal government wanted to handle conscientious objectors and alternative service, so Selective Service once again received the unenviable task.

The Selective Service began by instituting new classifications for the CO. The Selective Service replaced the old IV-E classification with two new classifications: I-O, which meant the CO was “available for civilian work,” and I-W, which meant the CO was “performing civilian work.” With an executive order on February 20, 1952, President Truman officially sanctioned the Selective Service’s new alternative service program. Unlike CPS, there was no work camp structure, but the concept of service remained the same. The Peace Churches avoided the cumbersome administrative

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<sup>21</sup>George Q. Flynn, "Selective Service and the Conscientious Objector," in *Selective Conscientious Objection: Accommodating Conscience and Security*, ed. Michael F. Noone, Jr. (San Francisco, CA: Westview Press, 1989), 40-41; and Keim and Stoltzfus, *The Politics of Conscience*, 127-197.

responsibility they had possessed during World War II, and the government lifted some of the old restrictions on the type of work, such as overseas assignments.<sup>22</sup>

The men were freer to choose the service they performed. Once classified, the individual CO proposed three possible means of fulfilling his service obligation, and the Selective Service settled on one of the suggestions. Men could serve in either paid or volunteer jobs administered by the government or non-profit entities. They held jobs in health, education, science, and charity, though they could not work in their local area. Furthermore, men could volunteer for alternative service before being drafted.

Specifically, some men worked on farms, while others labored in overseas relief efforts, agriculture, or construction. Some served as test subjects for the National Institutes of Health in Bethesda, Maryland, harkening images of the Guinea Pig Units from World War II. However, most of the men worked in hospitals. In the words of Keim and Stoltzfus, "...I-W became nearly synonymous with hospital work, since so many conscientious objectors engaged in such jobs. By 1954, more than 80 percent of all I-Ws held hospital jobs."<sup>23</sup>

The I-W program marked a considerable improvement over the CPS model of World War II for COs, Hershey, and the Selective Service. COs could now receive pay, something they had been clamoring for since 1940. As he stated during the final days of CPS, Hershey desired pay for COs as well. COs also had a more meaningful form of

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<sup>22</sup>Flynn, "Selective Service and the Conscientious Objector," 41; and Keim and Stoltzfus, *The Politics of Conscience*, 139-141.

<sup>23</sup>Bush, 173; Flynn, "Selective Service and the Conscientious Objector," 41; and Keim and Stoltzfus, *The Politics of Conscience*, 144-145.

service, and the cumbersome dual-administrative structure with its ambiguities and tensions was gone. Furthermore, the men had a set limit for the duration of their service, much like their military counterparts. They did not serve for the entirety of the war, as they had during World War II, but for two years, just as the military servicemen.

The I-W program was by no means perfect, however. Congress did not provide the funding requested by the Selective Service, so much of the money had to come from elsewhere in the Selective Service's budget. Finding jobs for the COs was still difficult, and COs still received no benefits for dependents, despite Hershey's support for this measure. Furthermore, the Peace Churches remained uneasy about the control of the Selective Service over the individual CO, despite changes in the relationship. This caused the AFSC to remain out of the I-W program, while the Mennonites and the Brethren conceded overall control to the Selective Service. This was definitely the desire of General Hershey, as he informed the Peace Churches in no uncertain terms that this time the Selective Service had the ultimate authority over placement, transfers, and the like. If the Peace Churches helped coordinate activities and service opportunities, that was fine, but they were completely subordinate to the Selective Service. Hershey was perfectly clear on that point.<sup>24</sup>

The Vietnam era saw a seismic shift in the classification of conscientious objectors, but, much like Korea, the concept of alternative service remained in place, harkening back to the desires that General Hershey first put forth during World War II. In fact, the specific alternative service plans refined in 1951 remained in place throughout

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<sup>24</sup>Flynn, "Selective Service and the Conscientious Objector," 41-42; and Keim and Stoltzfus, *The Politics of Conscience*, 142-144, 146.

the remaining years of conscription in the United States. What changed during Vietnam was the definition of a conscientious objector. This momentous shift came from *United States v. Seeger* in 1965, which established the right for individuals to claim moral or ethical reasons for conscientiously objecting to military service, a distinct shift from the overtly religious definitions of conscientious objection required earlier. Five years later, the Supreme Court upheld the *Seeger* decision in *Welsh v. United States*, stating that an established belief in atheism or “characterization of his beliefs as ‘nonreligious’” was permissible, as long as the person’s objection to war was still “moral, ethical, or philosophical.”<sup>25</sup>

*United States v. Seeger* was the most important U. S. Supreme Court case in the history of conscientious objection because it fundamentally changed the requirements for a man to be a conscientious objector. *United States v. Seeger* was actually one of three cases argued together before the Supreme Court in 1965, along with *United States v. Jakobson* and *Peter v. United States*. During the 1950s, Seeger, Jakobson, and Peter had claimed conscientious objector status when called before their local draft boards. However, they did not cite traditional religious beliefs as their reasoning for objecting to military service. All of the men based their objections on a more secular interpretation of personal religion, invoking moral, ethical, or secular spiritual reasoning. The Selective

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<sup>25</sup>*United States v. Seeger*, 380 U.S. 163 (1965); *Welsh v. United States*, 398 U.S. 333 (1970); and Chambers, "Conscientious Objectors and the American State from Colonial Times to the Present," 40-43.

Service Act, as passed in 1948, exempted men who objected to war based on “religious training and belief,” just as in the 1940 Act.<sup>26</sup>

In majority opinion, Justice Thomas Clark argued that the central issue in the arguments was the axiom “religious training and belief.” The Supreme Court decided that “religious training and belief” could be extended to much broader moral and ethical connotations. In the words of Clark, “A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition.”<sup>27</sup> In other words, an ethical or moral objection to war that stood in place of a mainstream religious belief was an acceptable basis for conscientious objection to military service. In *Welsh v. United States*, the Court upheld its 1965 *Seeger* ruling, finding in 1970 that Elliott Welsh should have his conviction for draft evasion overturned because his reasoning for objecting to military service fell under the findings of the Court in *United States v. Seeger*. The particulars of the case were similar to those in *Seeger*, and the Court found that Welsh’s beliefs constituted a personal form of religion for him.<sup>28</sup>

Therefore, the only real change for COs after World War II (beyond the elimination of work camps and the introduction of individualized service) was the shift from sacred to secular conscientious objection. With the *Seeger* ruling, a man could object to war if his personal convictions constituted a form of religion for him. However,

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<sup>26</sup>United States v. Seeger.

<sup>27</sup>United States v. Seeger.

<sup>28</sup>Welsh v. United States.

the principles of service established during World War II remained firmly in place throughout the years of conscription in the United States. It is for that reason that Hershey's efforts in World War II administering and shaping alternative service were so pivotal. All subsequent efforts following those years either built upon his actions or sought to rectify some of the problems coming out of CPS.

One of the most vivid enduring memories of the Vietnam War in the United States was the antiwar movement and its large national and local protests. Hershey was not immune to the unrest on the home front. As the war in Vietnam became more unpopular and protests grew, Hershey became one of the focal points for the protestors. The protestors pointed to him as one of the major members of the establishment responsible for sending young men to die in Vietnam.<sup>29</sup> Hershey had become so unpopular in many circles by the late 1960s that he was now a political liability, a fact not lost on Richard Nixon, the Republican nominee for president of the United States in 1968.

Nixon announced during his election campaign that he wished to end the draft after achieving victory in Vietnam. He argued that it was not the proper instrument to use in a guerilla war like the one in Vietnam. While his sincerity is debatable, Nixon certainly gained political capital by calling for the end of the draft. Once Nixon assumed office in 1969, he began the shift towards an all-volunteer force with some reforms. His advisers recommended a number of changes to quell the growing antiwar protests and alleviate some of the resentment among America's youth. Their two most visible and

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<sup>29</sup>Small, 109.



viable recommendations were shifting to a lottery system and replacing Hershey as the head of the Selective Service. Hershey was now seventy-five years old, and though he was still in good health, his unpopularity was a political liability for Nixon. As George Flynn adeptly explains, “Hershey was like an embarrassing corpse in a murder mystery, which kept falling out of closets or appearing in bathtubs, to the general consternation of the host.” Though there were calls for him to resign, Hershey refused and said he would only respond to a direct order from President Nixon.<sup>30</sup>

That order came on October 10, 1969. Nixon informed Hershey that he was going to be reassigned as a manpower adviser to the president, effective February 1970. He also recommended Hershey’s promotion to a full, four-star general.<sup>31</sup> So ended an era in the history of American conscription. Hershey had been in charge of the Selective Service for twenty-nine years, served six presidential administrations, and provided the manpower management for three major wars.<sup>32</sup>

Hershey’s new job in the Nixon White House was largely ceremonial, though he tried his best to convince Nixon to preserve the decentralized draft system Hershey had built over the past three decades. When Nixon’s advisers recommended an all-volunteer force in 1970, Nixon wholeheartedly agreed. Hershey tried to persuade him to wait until 1971 for any major changes because that was the year the draft was up for renewal. The draft did not end as quickly as Nixon wanted, as Congress extended it for two more years.

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<sup>30</sup>Flynn, *Lewis B. Hershey*, 273-284; Flynn, *The Draft*, 225-226, 229, 237-239; and Small, 109.

<sup>31</sup>Flynn, *The Draft*, 243.

<sup>32</sup>Flynn, *Lewis B. Hershey*, 289; and Flynn, *The Draft*, 244-246.

Inductions finally ended in 1973, bringing an end to the era of conscription in the United States.<sup>33</sup> This also meant the end of conscientious objection and alternative service under the auspices of a draft.

With the draft gone and Hershey's health beginning to wane, Nixon terminated Hershey's position. No longer fit for duty because of his age, health, and his expertise in manpower seemingly obsolete, Hershey retired as a four-star general on April 10, 1973, the highest-ranking officer in American military history to have never directly participated in combat. Hershey spent his retirement caring for his wife, Ellen, whose own health was poor as well. In February 1977, Hershey suffered a stroke, but recovered. However, the stress of this episode contributed to Ellen's death in April. One month later, on a trip home to Angola with his son Gilbert alongside, Hershey died in a hotel room on May 19 near his boyhood homestead, where the many hours of farm labor and the values of the Midwest had helped to shape his entire outlook on life and service. He was buried next to Ellen in Arlington National Cemetery, under a rather large headstone.<sup>34</sup>

Hershey's death marked the passing of one of the most important American general officers of the twentieth century, though Hershey is not terribly well-known and

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<sup>33</sup>Flynn, *Lewis B. Hershey*, 297-299.

<sup>34</sup>*Ibid.*, 300-302.. Some of the information on the final days of Hershey comes not only from Flynn's biography, but from a scholarly discussion and tour with Dr. James Zimmerman, professor of history and administrator emeritus from Trine University (formerly Tri-State University), Hershey's alma mater. On a research trip in August, 2008, Zimmerman gave the author a detailed tour of the areas where Hershey grew up, pointing out the hotel in which Hershey spent his last hours. The author has also personally seen Hershey's gravestone in Arlington National Cemetery, which rivals any present in terms of size.

often overlooked because of his unusual dual role as army general and civilian bureaucrat. Furthermore, he was not a field general in a society that celebrates its battlefield leaders as heroes. In his role as the Director of the Selective Service through three major wars of conscription, Hershey was responsible for getting the men with which more well-known or celebrated generals such as George Marshall, Dwight Eisenhower, Douglas MacArthur, Matthew Ridgway, and William Westmoreland fought. Hershey affected the individual soldier's (and CO's) life far more than any other general throughout the twentieth century. Mentioning Hershey's name to the average American born after Vietnam elicits a questioning glance, but any American male of draft-age during World War II, Korea, or Vietnam knows *exactly* who General Lewis B. Hershey was. In addition, as has been presented here, his conception and administration of conscientious objection and alternative service had far-reaching effects that further defined the citizen soldier tradition in American history. Those beliefs and actions mostly remained in place throughout the remaining years of conscription in the United States, emphasizing the duty of all eligible men to perform some sort of national service when called by the nation.

## CHAPTER 11 – CONCLUSIONS

After examining General Lewis Blaine Hershey and the CPS experience during World War II, it is clear that Hershey's personal belief in a duty of service for all eligible males plus a sympathetic ear for religious liberty shaped alternative service during that conflict and beyond. Through that dynamic, alternative service became the central precedent for conscientious objection to emerge from World War II, lasting until the end of the draft in 1973. Furthermore, through Hershey's efforts, the American military's citizen soldier tradition became further defined as the duty of all eligible Americans extended even to those who conscientiously objected.

Hershey's efforts in creating, administering, and justifying alternative service were the engine driving the CPS experience during World War II. By expressing his desire for cooperative body with which to negotiate, Hershey was instrumental in the creation of NSBRO. As the final authority on what constituted "work of national importance" for the CO, Hershey ultimately decided what the CPS assignees would actually do. His approval or denial shaped the character of alternative service and provided its tangible projects, as he authorized programs for farm labor, forestry work,

and the Guinea Pig Units, but he rejected some urban social work and other programs suggested by the Peace Churches.<sup>1</sup> Through shrewd political negotiation during the war and at the end of CPS, alternative service remained under Selective Service control. His desire to avoid negative publicity meant that many camps were located in remote locations and he sought to limit press coverage so as not to attract unwanted attention. Though CPS was a cooperative endeavor, the specter of Lewis Hershey loomed throughout everything.

While some reacted negatively to Selective Service control, many others recognized just how important Hershey was to the peace witness of the Historic Peace Churches. Some members of the Historic Peace Churches later recounted how Hershey's directorship was of vital importance in protecting the CO during World War II. Given the inconsistent treatment of conscientious objectors throughout American history, the precedent set by Hershey and the protections he enabled were no small feat. There was no standardized policy during the colonial era and the alternatives available during the Civil War violated many of the COs' beliefs concerning participation in war. The most glaring example of what could go wrong in providing for conscience during wartime occurred during World War I, when the federal government placed COs into military camps and imprisoned them when they refused to cooperate.

The World War II experience of Lewis Hershey in matters of conscientious objection and alternative service provides a fascinating insight into one of the great

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<sup>1</sup>Sibley and Jacob, 226. Sibley and Jacob state that Lewis Kosch's Camp Operations Division denied requests, with Hershey's approval, for work in various hospitals, youth-centered projects, settlement homes in Pittsburgh, and the Pennsylvania School for the Deaf.

paradoxes of modern military history. Here was a man who rose to the rank of lieutenant colonel prior to the outbreak of World War II, which was no small feat in the interwar period. He was a military professional when that career path was only beginning to be accepted in American society. As one might expect of a career military professional, Hershey possessed a strongly held conviction that it was the foremost duty of all eligible men to serve their nation in times of national emergency. During World War II, he oversaw a massive bureaucracy dedicated to providing men for the military while maximizing industrial and agricultural production. Fundamentally, the role of the Selective Service was to administer the manpower of the society so the state could advance its national and international interests. Yet, in the face of that mission, Hershey was the most ardent champion of the rights of conscientious objectors within the federal government. He was simultaneously a protector of conscience and a proponent of service.

That duality in Hershey's character regarding service and the CO helps to explain further who Hershey *really* was. Using broad brush strokes to describe him will usually result in inaccurate portrayals. He viewed himself as both soldier and civilian, hence his frequent public appearances in civilian clothing. He was a classic bureaucrat, fully aware of his place in the federal government, yet he wielded significant power in administering his office and he was able to use his considerable influence to bend certain projects, mandates, or legislation to his desires. He did not merely assume his role as a bureaucrat and administer CPS with no say in its direction. He had a vision for alternative service and sought to make that a reality. He was a complex man full of what appeared to be contradictions, yet his reasoning seemed to make those contradictions disappear.

Singularly representing two seemingly antithetical viewpoints – the obligation to serve and the right to object – fits perfectly with an overall description of Hershey. How an individual could believe in such seemingly mutually exclusive dynamics is complicated, but it can be explained.

Of considerable importance in Hershey's attitude about conscientious objection was his belief in minority rights. As he said at the opening of the CPS camp at Patapsco, Maryland, in May 1940, CPS was an "experiment in democracy." The idea behind it was to prevent the individual rights of a small minority in the United States from being completely trampled. In his mind, it was important for a democracy to tolerate dissenting viewpoints and provide for individual liberties. However, that did not exempt one from the duties of service. No objector was completely deferred based on his resistance to military service. The rights of minorities when it came to national service did have limits.

Hershey's belief in the rights of sincere religious objectors was in place even before his ascendancy to the director's office. Before the establishment of the Selective Service and Roosevelt's order granting him the authority to define work of national importance, Hershey made it clear that he supported the rights of sincere religious objectors during the tense discussions in Congress over peacetime conscription in 1940. This stance stood in contrast to some of his army colleagues, who called for strict limitations for conscientious objectors. For the chief expert on manpower in the United States to advocate CO protection was an enlightened viewpoint, indeed.

Hershey's insistence on decentralization of the draft was also of major importance for conscientious objectors during World War II. Throughout his years as director,

Hershey staunchly defended the decentralized draft. This held significance for conscientious objectors as well as men in the armed services. The local draft boards held one of the most important jobs in raising an army of conscripts: classification. For the CO, this meant that the local draft board determined his initial fate. Granted, Hershey centralized the policies of induction at the national headquarters, but he left the operation of classification to the local boards. This emphasis on decentralization further shaped conscientious objection during World War II, as some of the draft boards were inconsistent. Some COs had no problem gaining their IV-E or I-A-O classification, while others faced blatant hostility to their objection.<sup>2</sup> This was a part of the story of conscientious objection during World War II, and Hershey's belief in decentralization played a significant role in shaping that.

Though pivotal and central to conscientious objection and alternative service, Hershey's power was not limitless. Most of his obstacles came from Congress. Where he ran into trouble was in situations where government funding or transportation was to be used for COs, such as with the CPS Training Corps. Recall that the majority of CPS funding came from the Peace Churches, not the federal government. Though he decided what constituted work of national importance, he opened himself to interference if funding from outside the Peace Churches was involved. He approved of the overseas relief training and activities in the CPS Training Corps, but the efforts of Congressman Joe Starnes killed any chances for the COs to help rebuild the war-torn areas of Europe and Asia during the conflict. He was unable to secure workman's compensation or

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<sup>2</sup>Eller, 26-27.



dependency benefits for CPS assignees, even though he pushed strongly for them before Congress. He also wanted to implement a point system to end CPS and send the assignees home, but found himself rebuffed by a reluctant Congress. Even though Congress limited his power at times, he proved to be an adept negotiator and possessed a keen understanding of negotiation, as evidenced by his success in developing the means to discharge COs from CPS after the war.

Hershey carefully considered the role of public opinion and the publicity that could focus on a controversial program. Hershey was wary of any negative public reaction against CPS or the institution of conscientious objection. Accordingly, he tried to keep conscientious objectors out of the limelight as much as possible. This was not limited to the press. Hershey seldom discussed conscientious objection publicly. If interviewed on a specific subject, such as conscientious objection, Hershey would put forth his thoughts on the matter, but he would not voluntarily elaborate. An examination of Hershey's speeches reveals that when he addressed manpower and service, he did not mention conscientious objection. He only really discussed the matter when speaking to the COs themselves, or representatives of their religious denominations.<sup>3</sup>

Though all of the aforementioned beliefs of Hershey were significant in his shaping of CPS, they all revolved around his concept of a duty of service for all eligible males. While he did not personally agree with the stance taken by the civilian servant conscientious objector, he respected it. However, that did not translate into a complete

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<sup>3</sup>Various gatherings of Hershey's speeches can be found at the following archives: Records of the Selective Service, RG 147, National Archives II, College Park, MD; and Lewis B. Hershey Papers, Trine University, Angola, IN.

and total deferment for religious objectors. Instead, the federal government required them to perform some type of national service, the so-called “work of national importance.” It was that point that made many of the COs unhappy, with many of them viewing the work as menial and unimportant. But to Hershey, conscientious objection was a privilege in a democratic society, it was not a guaranteed right. He believed it was the duty of all who were eligible to serve when called upon.

Hershey’s views on service and the CO is what further defined the tradition of the citizen soldier in the United States. With the introduction of alternative service in the form of CPS, the central ideas behind the citizen soldier became intertwined with individual liberty. Under Hershey’s perception of civic responsibility, if a person objected to service in the military based on sincere religious beliefs, he could perform alternate service to fulfill his duty to his state, but he would not be entirely exempt from his national responsibility. World War II and Hershey’s efforts in shaping alternative service set the pattern for alternate means of fulfilling national commitments, which continued throughout the years of conscription in the United States. After the Second World War, even when the definition of conscientious objection changed, the obligations of the objector did not. He was obligated to serve in some capacity. Therefore, the concept of the citizen soldier no longer pertained only to armed service. As a result, some form of service, whether it was as a soldier, noncombatant, or civilian servant, was required when the state called upon its citizens in times of crisis.

The central dynamic driving the citizen soldier concept is the idea of service, just as service was at the heart of CPS. Since Americans have traditionally viewed professional armies as separate from the state and a threat to its very existence, the best

defenders of the nation are those with the strongest interest in its survival: its citizens.

The American citizen soldier tradition blurs the line between military and civilian society, rendering the interests of the two coincident.<sup>4</sup> To be sure, there may be flaws in the logic of the citizen soldier, particularly when one considers that many young male citizens did not have a choice once drafted, but it was a concept structure that Hershey fervently believed in.

Hence, an examination of Lewis Hershey's significant role in conscientious objection and alternative service during World War II is fundamentally a subject of military history, under the auspices of the New Military History approach. Examining conscientious objection and alternative service through the lens of the federal government and the military, or more specifically, Hershey and the Selective Service provides an insight into how the government sets the parameters for national obligation during a time of threats both real and perceived. During World War II, alternative service became a possible means of fulfilling one's service duty. This continued after World War II. Only for a very brief time after the war did conscientious objection result in deferment. General Hershey's actions during World War II in the establishment, administration, and protection of conscientious objectors and alternative service placed the concept of service ever more firmly in the American military tradition.

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<sup>4</sup>Cohen, 121-125.

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